Annual Report

2006-2007

Ombudsman
ONTARIO

ONTARIO'S WATCHDOG

June 27, 2007

The Honourable Michael Brown
Speaker
Legislative Assembly
Province of Ontario
Queen's Park

Dear Mr. Speaker:

I am pleased to submit my Annual Report for the period of April 1, 2006, to March 31, 2007, pursuant to section 11 of the *Ombudsman Act*, so that you may table it before the Legislative Assembly.

Yours truly,

André Marin
Ombudsman

Bell Trinity Square
483 Bay Street,
10th Floor, South Tower
Toronto, Ontario M5G 2C9
Telephone: 416-586-3300
Facsimile: 416-586-3485
TTY: 1-866-411-4211

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Ombudsman's Message: Few Left Untouched

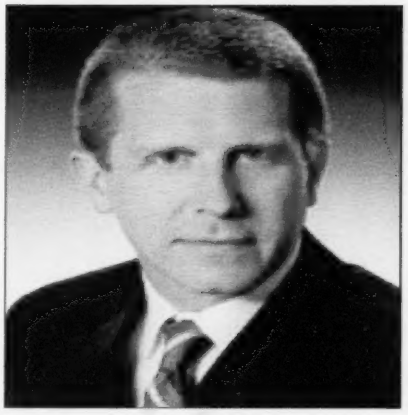


Photo By: Brian Willer

Few people in Ontario have been left untouched by this Office's work. We have helped thousands of individuals – more than 20,200 in the past fiscal year alone – navigate through government red tape and find solutions to their problems. And millions of others have felt the impact of our more broadly based systemic efforts. For example, in the first year of my mandate, our reports and recommendations were the catalyst for:

- increased funding of residential care for children with special needs;
- improvements in the system for approval of funding of specialized drugs;
- expanded screening of newborn babies for potentially fatal disorders, and
- a new, fairer, more transparent property tax assessment system.

I am pleased to report that in this past year our efforts have continued to make a difference. Our systemic investigations have led to dramatic changes, including:

- a support program for the disabled that no longer financially penalizes recipients because of its own bureaucratic delays;
- funding under the Ontario Health Insurance Plan (OHIP) for prosthetic testicles for juveniles, a procedure that was delisted a decade ago;
- a complete review of OHIP's out-of-country funding program to make it fairer and more transparent, thereby assisting seriously ill Ontarians;
- increased funding for mental health services for children, including those at Canadian Forces Base Petawawa suffering stress-related illness as a result of the war service of their parents;
- improvements in the enforcement and support of child and spousal orders at the Family Responsibility Office;
- an additional $12.75 million committed for compensation for victims of crime as well as a full review of the criminal injuries compensation scheme; and
- better protection for lottery ticket buyers.

These are changes that resonate with Ontarians in their daily lives – when they purchase lottery tickets or pay their property taxes, when they seek health care or funding for drugs, when families need support and when crime victims need help. They are accomplishments that have not gone unnoticed, and the people of this province have let us know they are appreciated.

When I assumed this position in April 2005, I publicly stated that it was my goal to put the Ombudsman's Office on the map as a model of excellence in effective oversight. These results reflect a promise kept. Our efforts to revitalize the Office and renew its relevance to Ontarians have borne fruit, and we pledge to continue them.

Unfortunately, our work in the past year has revealed that some government departments and agencies have not been so resolute in keeping their promises. They have, at times, attempted to mask unflattering realities with what can only be described as "puffery."

THE PERILS OF PUFFERY

When we investigated the Municipal Property Assessment Corporation (MPAC) last year, I was struck by the irony of MPAC's vision for itself as **"the global leader in property assessment."** What we found was that MPAC was in fact a global leader in puffery. It failed to provide sufficient and timely assessment information to property owners, could not ensure that its assessment decisions were accurate, fair or transparent, and placed the onus on ordinary citizens to challenge its conclusions.

Unfortunately in our investigations over the past fiscal year, we have encountered many more cases of idle boasts made by government departments and agencies that are all too reminiscent of MPAC's slick but hollow self-marketing.

In our May 2006 report, *Losing the Waiting Game*, we examined the Ontario Disability Support Program. We found that this program, which was touted as having been created **"to help those most in need,"** i.e., individuals with significant disabilities, was actually penalizing them by depriving them of benefits because it took so long to process their applications. Ministry of Community and Social Services bureaucrats would take eight or 10 months before approving awards, but then would pay only four months of retroactive benefits, stating this was the maximum retroactive payment allowed. The Ministry was effectively penalizing eligible applicants for its own delay – before we became involved and the problem was corrected.

In June 2005, the government announced changes to the legislation governing enforcement of family support payments, headlining its press release with the claim: **"New law will mean tougher enforcement, improved fairness and enhanced efficiency at the Family Responsibility Office."** The release raved that **"Ontario is set to become a national leader in enforcing family support payments."** This was welcome news to those financially dependent on the Family Responsibility Office (FRO), which since its inception 10 years ago has been subject to repeated criticism by the Ombudsman and the Auditor General. But despite this upbeat marketing, the FRO was failing to live up to its own billing.

A year after the government's promise of improvements, we investigated a complaint from a parent who was owed substantial child support. We found an organization marked by carelessness and a lackadaisical attitude. Defaulting parents were able to circumvent the system because of the FRO's wooden view of its own rules. Worse, rather than operating as a "tougher enforcement mechanism" to vigorously enforce child and spousal support, the FRO misconceived of itself as a neutral agency – raising the risk that it would not be a "national leader" in anything but mollycoddling deadbeat parents. Following our August 2006 report, *It's All in the Name*, the province responded that it

had already pledged $40 million over four years to improve customer service at the FRO. Despite this, the FRO continues to be one of the top five subjects of complaints received by my Office.

One of the most grievous cases of government promise-breaking we have ever encountered involved the Criminal Injuries Compensation Board (CICB). For 35 years, successive governments in Ontario have made a generous promise of compensation to victims of violent crime. The statute in which this promise is made, the *Compensation for Victims of Crime Act*, is administered by the CICB, which touts itself as providing **"a fair, caring and sensitive forum for victims to be heard."** In stark contrast, our investigation – chronicled in my February 2007 report, *Adding Insult To Injury* – revealed a system so cash-starved and a board so moribund that crime victims were waiting an average three years for compensation. The government had failed to provide the CICB with the resources necessary to effectively carry out its mandate and pressured it to delay paying compensation, contrary to law. The board, which had been created to aid victims of crime, was instead serving to increase their pain and suffering by putting them through a gruelling bureaucratic maze.

Puffed-up promises are, of course, the stock in trade of the multi-billion-dollar Ontario Lottery and Gaming Corporation (OLG), which uses slick marketing campaigns to entice Ontarians to buy tickets in pursuit of a dream – winning the big jackpot. In 2006 alone, the Corporation's lotteries grossed almost $2.4 billion, hundreds of millions of which went into Ontario government coffers. On its website, the OLG boasted, **"OLG values your trust and works hard to achieve the highest level of integrity across our lottery products"** and promised it was a **"leader in lottery security"** that offered **"one of the safest, most secure and most highly regulated products in the world."** But our March 2007 report, *A Game of Trust*, told a very different story.

March 26, 2007: The Ombudsman releases his report on OLG.

Our investigation into the OLG's protection of the public from fraud and theft uncovered a hopelessly conflicted agency that had become far too close to its retail partners at the expense of protecting consumers. The OLG was so caught up in its desire to increase its profits that it had forgotten its foremost responsibility was to the public. Instead of strengthening its security measures when it became aware of numerous suspicious "insider" wins and even outright retailer fraud, the OLG followed the "hold your nose" attitude once expressed by its former Chief Executive Officer and paid out millions of prize dollars in questionable circumstances. Despite all its spin, the OLG proved wholly inadequate to the task of regulating its own lottery business in a way that protected the best interests of Ontario citizens.

The Ministry of Children and Youth Services also fell short on its public promise to serve as the province's **"champion of children and youth,"** as we discovered in our March 2007 investigation of a crisis in mental health services for traumatized military children. As a result of heavy casualties suffered during Canada's military mission in Afghanistan, demand for counselling had increased tenfold among children of soldiers from Canadian Forces Base Petawawa. They were forced to wait up to six months for treatment of their war-related anxiety and psychological problems. But rather than "champion" these children in crisis, the Ministry was prepared to write them off as a federal military problem. My investigation determined that while the federal government had a moral obligation to support its troops, the provincial government was solely responsible for mental health services for all Ontario children, regardless of the occupation of their parents.

I do not wish to suggest that our government and its agencies should not set lofty goals for themselves. But when there is a gulf between promise and delivery, when promises are broken, it matters. Public trust, the necessary currency of good government, is squandered. Openness and transparency are the watchwords of mature democracy for a reason: Without accurate knowledge of what governments are doing, citizen participation is meaningless. Puffery is antithetical to open and transparent government, corrosive of public trust and even harmful to meaningful democracy. It is therefore serious business when government departments and agencies make promises they cannot or will not keep, or attempt to paper over their failings with ostentatious claims.

Puffery can inhibit quality in two ways. First, if organizations fall into the trap of believing their own hype, they can become complacent and lose the urge for self-improvement. Second, as our recent investigations demonstrate, puffery can become a shield for inertia and apathy. If governments and their agencies believe they can hustle the public, they will be tempted to leave their programs under-resourced and flawed, crossing their fingers that no one will pull back their Wizard-of-Oz curtain and expose the real state of affairs.

Fortunately, Ombudsman oversight can mitigate the effects of spin-doctoring. All of these investigations identified serious systemic failings underlying the organizations' imposing boasts. The effect of exposure has been dramatic. All of our recommendations for improvement have been accepted and the organizations have recommitted to serving the public interest. As the fallout from our public reports demonstrates, good government is achieved not by concealing or denying shortcomings, but by recognizing and dealing with realities.

PUTTING THE "SERVE" BACK IN PUBLIC SERVICE

As government has grown and its tasks have become more complex, it has undoubtedly become more impersonal than it once was. The ethic of public service has been challenged not only by the systems that have been put in place to control large institutions, but also by cost-cutting pressures and by increasingly complicated work assignments. I have diagnosed three symptoms of this undeniable decline in public service: "Rulitis," "policy paralysis," and "customer disservice syndrome." Each contributes to the kind of "can't do" ethic that gives bureaucracy a bad name.

"Rulitis" is the rigid, unthinking adherence to pre-established "rules," even where their application makes little sense. We saw myriad examples of this, several of which are detailed in the "Case Summaries" section of this report. In one heart-wrenching case, a mother suffering from multiple sclerosis had her special diet allowance under the Ontario Disability Support Program slashed from $250 to $20 under new program rules – all because, as our Office determined, the woman's doctor had failed to check off the right section on a form. Strict adherence to rules turned a minor error into a major health problem for this mother of three, who could no longer afford the high-protein products she needed to maintain her stamina and her medication regime.

Another case of rulitis involved a northern Ontario woman who sought reimbursement from the Ministry of Health and Long-Term Care for travel to Winnipeg to see a medical specialist. She was initially denied because the specialist's qualifications did not fit the rule, even though the specialist was best able to provide the medical service that the program was meant to support. After we got involved, instead of trying to fit the situation to the rules, the Ministry sensibly changed the rules to fit the situation.

"Policy paralysis" occurs where there is no rule for solving a glaring problem. It manifests itself in indecision or even apathy. For instance, we received a complaint from a Métis family that the Ministry of Natural Resources was refusing to address their claim for reimbursement of fishing royalties. Until our Office intervened, the Ministry had stalled the request for over six years, waiting for a policy to materialize. Similarly, a mother was left in limbo by the Ministry of Children and Youth Services when the school year ended and her autistic son's access to transportation to a specialized day program ended with it. The Ministry simply didn't have a policy to cover this situation and appeared unable to act until my Office became involved.

"Customer disservice syndrome" tends to occur in governments and monopolies. In competitive markets the ethic is that the customer is always right, but where the customer becomes dependent on the provider, the tables can be turned. The "service" provider can afford to presume that the customer is wrong, or even make the customer bear the costs of the service provider's mistakes. The Family Responsibility Office recently demonstrated this attitude in a case of two grandparents who had stepped in to help raise their grandchildren after their daughter's death. The FRO acknowledged that it had wrongfully garnisheed thousands of dollars of their retirement funds, yet insisted that it was up to them to try to collect the money from their former son-in-law. Fortunately, my Office was able to work with the FRO and obtain a remedy for these frustrated seniors.

Citizens go to their government when they are at their most vulnerable.

The Office of the Registrar General also engaged in "customer disservice" when challenged by a complainant who was trying to correct the spelling of his middle name in the Office's official records. For nine months, the Office insisted its records were correct, even though they listed a female name. It wasn't until we suggested that the Office search its records that it discovered that the customer had been right all along.

I have no doubt that Ontario is blessed with many caring civil servants, but its citizens will have the good government they deserve only when, as institutions, government and its agencies rededicate themselves to public service. Citizens go to their government when they are in need, and often when they are at their most vulnerable. They are human beings and they are best served by people who have both the latitude and good judgment to find a way to do the right thing. I am happy to report that this past year, several organizations moved outside of their comfort zone and actively engaged with my Office to find real solutions for real people.

For example, when senior managers at the Ministry of Health and Long-Term Care were told of the compelling circumstances of a 94-year-old World War II veteran who had been living in the U.S. and broke his hip just a few weeks shy of meeting the Ontario residency requirement for health coverage, they chose to adopt a "can do" approach rather than rely on the strict letter of the law. After our investigation and recommendations to the Ministry, this outbreak of rulitis was quelled and the man's bills were waived.

I am happy to report that this past year, several organizations moved outside of their comfort zone.

When we approached the same Ministry with the story of Suzanne Aucoin, a brave young woman battling end-stage colon cancer who had received singularly abysmal service when applying for out-of-country medical coverage, the Ministry agreed that it had wrongly refused her requests and put her through an unnecessary ordeal. It willingly implemented my recommendations, not only reimbursing Ms. Aucoin for her expenses and drug costs, but initiating a full review of the out-of-country funding program and the way it deals with patients and their doctors.

This positive attitude was demonstrated yet again by the Ministry of Health and Long-Term Care in response to my investigation into the delisting of testicular prostheses for boys under the age of 18. Rather than waiting for my Office to issue a formal report, the Ministry decided to do the right thing and agreed to fund the procedure.

These cases illustrate that a shift can take place in an organizational mindset. The challenge is for the "can do" attitude to filter down all the way to the front lines and for the positive response to occur at the outset rather than after harm has been done. For this to happen, public servants must feel empowered to help citizens find solutions – exemplifying the "serve" in "public service." Of course, change begins at the top. Government leaders must therefore be prepared to champion a public service culture by encouraging constructive flexibility and by modifying or changing rules when they get in the way. Based on the co-operation I have received this year, I am optimistic that this can happen.

A YEAR OF CO-OPERATION

We did not achieve the progress cited here on our own. Since my Office cannot force anyone within government to do anything, we depend on co-operation. The results we have generated, both in individual cases and in our major systemic investigations, came about only because the Government of Ontario was receptive. It has been astute enough to know when our criticisms are right, humble enough to admit when it has been wrong, and generous enough in spirit to help us forge solutions to the problems we have identified. It is a testament to the government and its commitment to our democratic tradition that it has given such stalwart support to an Office that can, at times, be stridently critical of its work.

One of the reasons a sitting government can afford to be this receptive is that when I offer recommendations or make findings or observations, it is not as a partisan opponent. If I am performing my job correctly, although it may not always concur with the prevailing government wisdom, my advice will be offered in the public interest – and as such, it should be received with an open mind and evaluated on its merits, not greeted with the kind of suspicion the business of politics reserves for opposition submissions. Regrettably, my recent experiences with legislative committees have not been encouraging. When I have offered the experience and expertise of my Office regarding proposed legislation, some committee members have engaged in excessive partisanship, rather than recognizing the opportunity to better inform themselves on issues through the resources of an independent Officer of the Legislature who represents the people of Ontario.

That said, I have been encouraged by what I recognize to be a growing trend on the part of government in working with my Office to resolve problems quickly. This pattern of co-operation and endorsement of our work makes it all the more surprising when the same government chooses to keep us from scrutinizing publicly-funded agencies that are responsible for many of its most critical services.

BEYOND SCRUTINY

At times we in the Office of the Ombudsman have to say "no" – and not only to complaints that do not have merit. We are forced to say "no" thousands of times a year to citizens with serious problems because of a discreditable technicality: We do not have jurisdiction. We have been shut out of what I like to call the MUSH sector, which stands for municipalities, universities, school boards, hospitals and long-term care facilities, and other organizations such as police and children's aid societies. These areas consume the bulk of provincial budgets, and more importantly, they represent the most serious contacts that Ontarians can have with their government. Yet they are immune from our scrutiny.

Over the last year, I have continued the quest to offer oversight in these critically important areas, but to no avail. It is not a mission I initiated. Ever since the great Arthur Maloney, the first Ombudsman of Ontario, filed his 600-page post-retirement report in 1979, my predecessors have been calling for the modernization of this Office's mandate. It has not happened in Ontario, even though most other provincial ombudsmen have jurisdiction over most of these critically sensitive sectors.

Lagging Behind

How Ontario's Ombudsman mandate compares to others in key areas of jurisdiction

	Boards of Education	Child Protection Services	Public Hospitals	Nursing Homes and Long-Term Care Facilities	Municipalities	Police Complaints Review Mechanism	Universities
Ontario	No	No	No	No	No	No	No
British Columbia	Yes	Yes	Yes	No	Yes	No	Yes
Alberta	No	Yes	Yes	Yes	No	Yes	No
Saskatchewan	No	Yes	Yes	No	No	Yes	No
Manitoba	No	Yes	Yes	No	Yes	Yes	No
Quebec	No	Yes	Yes	Yes	No	Yes	No
New Brunswick	Yes	Yes	Yes	No	Yes	Yes	No
Newfoundland and Labrador	Yes	No	Yes	Yes	No	Yes	Yes
Nova Scotia	Yes	Yes	Yes	Yes	Yes	Yes	No
Yukon	Yes	Yes	Yes	Yes	Yes	No	No

The failure of Ontario to permit its citizens to seek shelter in my Office when things go wrong within these zones of immunity is not due to lack of demand. As the next section of this report – "Oversight Denied" – documents, we have had to decline nearly 2,400 pleas for help involving the MUSH sector this past year alone. Thousands of Ontarians are seeking our help in areas that our statute and our website make clear are outside our purview. How many more complaints would we have if we could act on them? And support of Ombudsman oversight in these areas is not limited to those who are desperately seeking help – an online poll conducted by the *Toronto Star* in May 2007 indicated that of more than 1,800 respondents, some 94% were in favour of ombudsman oversight of Ontario hospitals.

It is not as if our Office is not up to overseeing these areas. As this report chronicles, our systemic investigations have been done professionally, efficiently and inexpensively and have produced a perfect track record of improvement. Our work has saved tax dollars, improved the quality of life of those who have sought our aid, and without the pain, uncertainty, expense and delay of litigation.

Nor can it be said that the MUSH sector is not in need of independent oversight. As the next section of this report explains, while there are bodies with jurisdiction over some of these areas, deeply disturbing gaps remain. Moreover, none of the empowered agencies has the same combination of independence, investigative experience and investigative powers as the Ombudsman's Office.

Consider, for example, children's aid societies (CASs). While spending irregularities at CASs are now subject to the review of the province's Auditor General, their child protection policies and practices – which if flawed can literally be a matter of life and death for a child – are still not subject to investigative review or a rigorous complaints system.

The legacy of Jeffrey Baldwin, whose terrible death in 2002 highlighted failings in Ontario's ability to safeguard our children, should have been the establishment of a powerful, independent mechanism to oversee and investigate CASs. Instead, when the *Child and Family Services Statute Law Amendment Act, 2006* was proclaimed in force in November 2006, it simply provided for the limited expansion of the Child and Family Services Review Board's mandate. The board may well be an effective adjudicative tribunal, but it has neither the power to conduct investigations in response to complaints nor the ability to address systemic problems.

In response to my advice that these new provisions fell far short of what was required, the government touted the review board – which remains an agency of the Ministry of Children and Youth Services – as **"an independent, arm's-length third party."** It described the new complaints process as **"smoother, stronger and more objective"** and even suggested that my Office would play a **"key role"** as a **"critical check and balance,"** because ultimately we would have jurisdiction to consider complaints about the Child and Family Services Review Board. What this fails to acknowledge is that my role in such cases would be restricted to investigating only the conduct of the board itself. I continue to be blocked from effectively investigating the complaints it receives against CASs.

To compound this situation, instead of being empowered to tackle significant issues regarding child welfare protection policies and practices, the board's authority is largely focused on procedural defects relating to the administration of CASs. Substantive complaints regarding the services sought or received from children's aid societies remain subject only to internal review. The promise of a system of external, transparent, and accountable oversight of the complaints process was never kept. While the government has also put forward Bill 165, the *Provincial Advocate for Children and Youth Act, 2007*, which establishes the creation of a new legislative officer to advocate on behalf of Ontario's children and youth, this positive step is only a very small part of what is needed to ensure an effective system of protection for Ontario's children. A strong, independent investigative oversight mechanism for complaints is still glaringly absent in Ontario.

ZONES OF IMMUNITY

As these recent inadequate legislative changes relating to the child protection area illustrate, the government has clearly chosen to keep this zone immune from Ombudsman oversight. As well, it has introduced legislation touching on oversight of the police (Bill 103, the *Independent Police Review Act, 2007*) and dealing with municipalities (Bill 130, the *Municipal Statute Law Amendment Act, 2006*), and largely shut us out of both. It has also refused to endorse opposition bills that would give my Office jurisdiction over children's aid societies, school boards, hospitals and long-term care facilities.

All of this leaves unanswered the question of why government policy-makers have resisted strengthening oversight of the MUSH sector. I have heard rationalizations that range from standard excuses to the truly bizarre and unacceptable. For instance, it has been proposed that individuals can always launch a lawsuit if they are unhappy – an expensive, time-consuming and acrimonious process that would be out of the question for many Ontarians. In the case of children's aid societies, it has even been suggested that the coroner's pediatric death review committee was somehow an adequate stand-in for the Ombudsman – even though, unlike that committee, we would not have to await the death of a child to intercede. Then there's the "we have always done it this way" excuse, which was used to explain the illogical exclusion of the Ombudsman from police oversight. The most incredible explanation might be the "it's premature" evasion offered by the Ontario Hospital Association, advising that we should wait and see how the province's praiseworthy but irrelevant "adverse events reporting" initiative works out.

I am reluctant to appear cynical, but it seems the real reason for all this is self-interest. Why would a government resist bringing this Office's scrutiny into areas costing the provincial purse tens of billions of dollars? The short answer is because it can. If you and those who report to you have been permitted to do your work without someone looking over your shoulder, why would you want to change that? This, however, is not about politics but an important public principle. Institutions that receive funds from the province to perform a public duty should be subject to the full panoply of checks and balances, not some watered-down or incomplete version that allows them to operate in a zone of immunity. Until the Ombudsman's mandate is modernized, thousands of Ontarians will have no recourse to an independent investigative oversight body in critically important areas of their lives, and the Office will remain powerless to help them.

A PARTING PROMISE

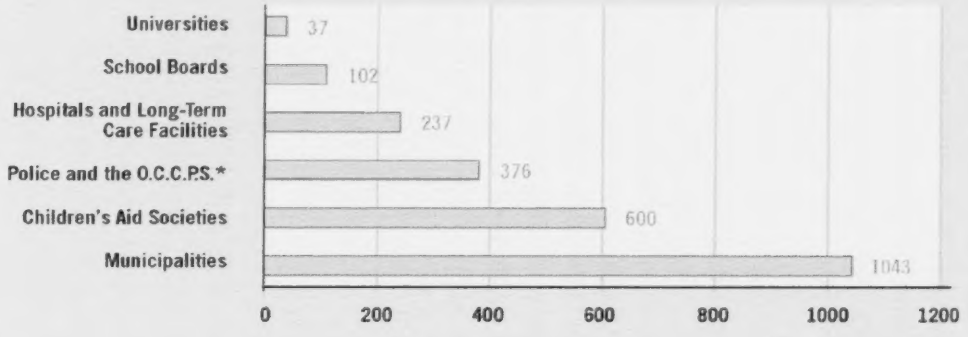
Since I have pursued the theme of promises here, let me end by making a few more on behalf of my team. We pledge to continue to work hard to hold the government to the promises that it has made and to put the "serve" back in public service. As well, we will continue to work to roll back zones of immunity and extend the remarkable tool of ombudsmanry to those Ontario citizens who experience problems in their dealings with their cities and towns, their schools, their hospitals, their police, and the child protection system.

The Year in Review

OVERSIGHT DENIED

Unlike in other provinces, the Ombudsman of Ontario does not have jurisdiction over what can be called the MUSH sector (comprising municipalities, universities, school boards and hospitals and long-term care facilities, as well as children's aid societies and the police). In the past year, our Office has had to decline thousands of complaints because of this. The breakdown is as follows:

Selected Non-Jurisdictional Complaints and Inquiries Received During Fiscal Year 2006-2007 — **Total: 2,395**



** Ontario Civilian Commission on Police Services*

MUNICIPALITIES

In 2006-2007, our Office received, and for jurisdictional reasons was unable to address, 1,043 complaints and inquiries about municipalities. The issues ranged from concerns about the failure of a municipality to inspect septic systems due to insufficient funds, to allegations of city council nepotism.

The recently enacted Bill 130, the *Municipal Statute Law Amendment Act, 2006*, purports to give jurisdiction to handle complaints of this kind to ombudsmen who are appointed by the municipalities. It leaves municipalities free to choose whether or not they want to have an ombudsman. (Toronto is required to appoint an ombudsman under the *City of Toronto Act, 2006*).

In November 2006, prior to its passage, the Ombudsman made oral and written submissions to the Standing Committee on General Government about Bill 130's shortcomings. He cautioned the committee that the municipal ombudsman model as set out in the Bill permitted a patchwork of pseudo-ombudsman offices without any minimum standards to ensure independence, credibility or effective investigation of complaints – it even allowed a municipality to appoint one of its employees as its ombudsman. He recommended that minimum standards for municipal ombudsmen be set based on

internationally recognized standards for governmental ombudsmen. The Ombudsman also recommended that the Bill provide an avenue of complaint to his Office in cases where a municipal ombudsman did not measure up to these standards, and for residents of municipalities that chose not to appoint their own ombudsmen.

"This legislation unwittingly endorses the right of municipalities to make bad choices for their citizens. There is no value in that."

– OMBUDSMAN'S SUBMISSION ON BILL 130

Provisions in Bill 130, which are not yet in effect, do give the Ontario Ombudsman jurisdiction to investigate complaints that a municipality has failed to open its meetings to the public. However, municipalities can pre-empt this jurisdiction by appointing their own investigators. The Ombudsman noted that there were no standards for the appointment of such investigators to ensure that they were independent, unbiased, credible and effective; again, they could even be municipal employees. He recommended complaints about closed meetings be referred to his Office and that municipalities be required to give notice and reasons to the public when meetings are not open to everyone.

Some members of the Committee, which consists of six Government MPPs and three Opposition MPPs, proposed amendments to implement some of the Ombudsman's recommendations, but these were ultimately voted down. The Committee did approve changes requiring that when municipalities other than Toronto appoint their own ombudsmen, they must have regard to the principles of independence, impartiality, confidentiality and credibility of the ombudsman's investigative process – and consider these principles in carrying out their work. The same will apply to investigators dealing with complaints about closed meetings in all municipalities.

Although this Office does not have formal jurisdiction over municipalities or any ombudsmen they may appoint, because of the very high degree of influence which municipal government decisions have on the lives of all Ontario citizens, the Ombudsman intends to monitor the development of oversight mechanisms in all of Ontario's 445 municipalities. Special attention will be paid to municipalities which fail to establish offices or set up offices that are weak or tokenistic.

As for open meetings, even though the provisions regarding the Ombudsman's jurisdiction in this area are not yet in force, our Office is already tracking complaints about closed municipal meetings and will begin investigations when this new jurisdiction takes effect, as of Jan. 1, 2008. The Office will also act as a source of information and referral for anyone with complaints about public access to municipal meetings. The results of investigations conducted by individual municipalities will also be monitored, with a view to ensuring that these new and important legislative provisions are applied in a fair and consistent manner throughout the province.

UNIVERSITIES

As a result of a difference in organizational structure, universities, unlike community colleges, do not come within the Ombudsman's jurisdiction. This has created a two-tiered oversight system for post-secondary education. The Ombudsman dealt with 290 complaints about Ontario's community colleges and the Ministry of Training, Colleges and Universities in the past year, but was unable to act on the 37 complaints received about the actions and decisions of Ontario's universities. Those complaints included one case where a university had engaged a collection agency to collect a student's late fee debt, before even telling her she owed a fee for late payment of her tuition.

SCHOOL BOARDS

We received 102 complaints and inquiries about boards of education in 2006-2007, which could not be pursued due to the Office's mandate. Similar complaints could have been investigated in British Columbia, New Brunswick, Newfoundland and Labrador and Nova Scotia, where provincial ombudsmen have jurisdiction over school boards. The complaints we received raised serious concerns about board policies, including access to special education programs. A number of families contacted our Office regarding their frustrations in obtaining appropriate accommodations for children with special needs. One mother complained about her struggle to arrange a tutor for her daughter through a school board. The girl had an anxiety disorder that was so acute she could not attend school, and it took more than six months to obtain a tutor for her child.

On April 5, 2006, MPP Rosario Marchese introduced a private member's bill, Bill 90, the *Ombudsman Amendment Act (School Boards), 2006*, proposing that the Ombudsman be given oversight over school boards. The bill died on the order paper when the legislative session was prorogued on June 5, 2007.

In one exceptional case this past year, the Ombudsman's jurisdiction was expanded as a result of the Ministry of Education taking over administrative control of the Dufferin-Peel Catholic District School Board on Oct. 10, 2006. Because the Ombudsman has oversight of the Ministry, it now extends to this one board as well. Since October, six complaints about the board have been received.

HOSPITALS AND LONG-TERM CARE FACILITIES

During the past fiscal year, the Ombudsman received 237 complaints and inquiries about problems in hospitals and long-term care facilities, including nursing homes. Many were from vulnerable individuals or their families, some of whom alleged that they had experienced retaliation from the institutions when they raised concerns internally.

One complainant told of how his wife waited for a week in an emergency room bed for treatment of a chronic condition, only to be transferred elsewhere two weeks later by the hospital, which then refused to forward her medical history to the new facility. Another complainant reported that a nursing home resident was being abused by a relative, apparently with the knowledge of the home's administrators.

> *"One area that [Health Minister George] Smitherman should consider in his push for medical transparency is to possibly give the Ontario Ombudsman the power to investigate complaints against hospitals."*
>
> – TORONTO STAR EDITORIAL, MAY 8, 2007

The Ombudsman has the power to review the Ministry of Health and Long-Term Care's role in regulating long-term care homes and in providing hospital services. He can also refer complaints about medical professionals to their respective self-regulating bodies. He is powerless, however, to investigate incidents in nursing homes, long-term care or hospital facilities – and there is no independent external oversight body to investigate such complaints. By contrast, the authority of Quebec's ombudsman (Protecteur du citoyen) was expanded to cover hospitals, nursing homes and long-term care facilities this past year, while Alberta's ombudsman was given authority to investigate the complaints resolution processes of hospitals, long-term care facilities and nursing homes.

On April 5, 2006, MPP Andrea Horwath introduced a private member's bill, Bill 92, the *Ombudsman Amendment Act (Hospitals and Long-Term Care Facilities), 2006*, which proposed extending the Ombudsman's authority to include hospitals and long-term care facilities in Ontario. This bill also died when the House was prorogued.

POLICE

Public complaints about police are handled by police services themselves, municipal police services boards, or by the Ontario Civilian Commission on Police Services (OCCPS). Although OCCPS and the Ontario Provincial Police are provincial organizations, the Ombudsman is expressly prevented by a section of the *Police Services Act* from accepting police complaints. In 2006-2007, our Office received 354 complaints and inquiries about municipal and provincial police and 22 about OCCPS. One complainant described the difficulties she encountered with investigating officers when she complained that her car had been vandalized by her estranged spouse, who happened to be a police officer. She also raised concerns about how the matter was treated when it went to OCCPS. A widow also complained that inadequate action was taken by the police and OCCPS after her husband died outside a police station. The Ombudsman was unable to help these people or the hundreds of others who sought assistance with similar concerns.

Bill 103, the *Independent Police Review Act, 2007*, proposes the creation of a new police oversight official, the Independent Police Review Director. The Director will be a government agent with substantial investigative authority and sweeping powers, but, despite the title, not independent of government. The position reports to the Attorney General, rather than the Legislature, and Section 97 of the bill continues the Ombudsman's exclusion from oversight of the police and police complaints processes.

"Who can the police or the public turn to if someone is dissatisfied with the delicate decisions this body will make? The answer is no one."

– OMBUDSMAN'S SUBMISSION ON BILL 103

On Jan. 30, 2007, the Ombudsman made a submission to the Standing Committee on Justice Policy, urging that this historical exclusion of his Office from police oversight be removed. He cautioned that the bill would give Ontario the dubious distinction of being the only jurisdiction in Canada where there is no such independent oversight. One committee member supported the Ombudsman's recommended amendment, but it was voted down. The bill was carried in the Legislature and given Royal Assent on May 17, 2007.

CHILDREN'S AID SOCIETIES

The Ombudsman continues to receive hundreds of complaints about children's aid societies (CASs) – 600 in the past year, up from 436 in 2005-06 – but cannot investigate them. Many of these complaints and inquiries were from families concerned about the welfare of children under CAS care. Some alleged that children were sexually abused while in care, while two distraught families expressed concerns about the adequacy of CAS supervision after their children had died. Others spoke of retaliatory actions taken by CAS staff when families had complained. Some complainants were upset about CAS staff failing to exercise a duty of care; others that they overreacted where they should have shown restraint.

In December 2006, in response to the provincial Auditor General's first-ever audit of children's aid societies under an expanded mandate (he reviewed the four largest), the Ministry of Children and Youth Services announced the creation of an Accountability Office to monitor CAS performance. However, to date, children and their families have no recourse to an independent oversight body to investigate complaints about services sought or received from Ontario's 53 children's aid societies – a situation that does not exist in any other province.

> *"Mr. Marin isn't asking for anything more than to simply answer the hundreds of complaints he receives every month. Until you've lost a child or have had your rights trampled on, you'll never quite know just how important the Ombudsman's job really is."*
>
> – LETTER TO THE EDITOR, NEWMARKET/AURORA ERA BANNER, JULY 6, 2006

In December 2005, the Ombudsman appeared before the Standing Committee examining Bill 210, which amended the *Child and Family Services Act*. He urged that it be changed to allow the Ombudsman to investigate complaints about CASs. Instead, the amended Act – which came into force on Nov. 30, 2006 – merely broadened the adjudicative authority of the Child and Family Services Review Board. The regulations confirm that complaints about the accuracy of a CAS file or record must go through the CAS's internal process before being raised with the board. The board has paltry remedial power, including steps such as ordering a "note of disagreement" to be added to a complainant's file, confirming a CAS's decision, or ordering a CAS to provide written reasons for a decision. Moreover, complaint areas within its jurisdiction are essentially procedural. The type of complaints that may be raised include, for example, that a CAS has failed to respond to a complaint within the required time frame; failed to comply with the complaint review procedure; failed to give a child or parent an opportunity to be represented when decisions affecting their interests are made; or failed to provide reasons for a decision. The board does not investigate complaints about the conduct of children's aid societies and there remains no independent external body that can do so.

The limitations of this framework mean serious cases where children are being hurt or in danger will continue to fall through the cracks – and families will have nowhere to turn for independent investigative help. The Ombudsman recently had to turn away two such families:

THE STORY OF "J"

Eight-year-old J had been diagnosed with and treated for a number of psychiatric conditions when he was made a temporary ward of the CAS and placed in a group home. While there, he was prescribed additional medication. J's grandparents became progressively concerned about his medication regime, and what they viewed as his deteriorating condition. They claim the CAS did not listen to their concerns. They were eventually able to obtain guardianship of J, supported by a psychologist who criticized the high doses of psychotropic drugs he had been subjected to while in CAS care. After a 10-month period of detoxification, J is now thriving. His grandparents raised a number of concerns with the Ombudsman, including the society's refusal to act on their concerns, threats of loss of visitation while J was in the group home, failure to disclose alleged sexual abuse, and refusal to respond to their letters. We were forced to decline their complaint as out of our Office's jurisdiction.

THE STORY OF SERENA AND SOPHIA CAMPIONE

After three-year-old Serena Campione and her one-year old sister Sophia were found dead in a Barrie apartment in October 2006, their mother was charged with two counts of first-degree murder. The deaths took place in the midst of acrimonious divorce proceedings and allegations of domestic assault against the girls' father, Leonardo Campione. The girls' mother had reportedly been hospitalized three times in the previous year for psychiatric problems, and the girls had been cared for by their paternal grandparents. After the tragic death of his daughters, Mr. Campione complained to the Ombudsman that the CAS staff responsible for supervising his children while in their mother's care were negligent. He did not understand how his estranged wife, who had displayed such difficulty in caring for the children, could have been allowed custody. The Ombudsman is powerless to investigate his allegations, and the Child and Family Services Review Board does not have the power to investigate the actions of the CAS. Nor does it have the power to review systemic issues such as what process the society has in place to deal with placement and supervision of children when a parent has suffered acute psychiatric problems. These issues could potentially be examined by the Ontario coroner's pediatric death review committee or a coroner's inquest, given that the children are dead. However, there is no opportunity for independent investigative oversight to address errors of the kind alleged before they become fatal.

On April 5, 2006, MPP Andrea Horwath introduced a private member's bill, Bill 88, the *Ombudsman Amendment Act (Children's Aid Societies), 2006*, proposing that the Ombudsman be given authority to investigate the conduct of children's aid societies. The bill died when the House was prorogued on June 5, 2007.

ANOTHER MISSED OPPORTUNITY

"Despite all the government rhetoric that 'children are our future,' we in Ontario are choosing to rid ourselves of hundreds of these serious allegations every year by taking a trip to the dumpster and looking the other way."

– OMBUDSMAN'S SUBMISSION ON BILL 165

On April 24, 2007, the Ombudsman made a submission to the Standing Committee on Justice Policy regarding Bill 165, the *Provincial Advocate for Children and Youth Act, 2007*, which made the Provincial Advocate for Children and Youth an Officer of the Legislative Assembly. He noted that while a welcome voice for children, the Advocate, unlike an Ombudsman, would have no investigative powers. Citing the hundreds of complaints about CASs that must be turned away from the Ombudsman's Office every year, he repeated his call to be allowed to investigate children's aid societies. Two members of the Committee moved that the Ombudsman's authority be extended in this way, but were ruled out of order. The bill was passed and given Royal Assent on June 4, 2007.

PROTECTION FOR NEW HOME BUYERS

"The purchase of a home goes beyond mere financial outlay. It involves a great deal of emotional and personal commitment. When problems occur, anxiety is great..."

– ONTARIO OMBUDSMAN DAN HILL, 1986

In March 2007, our Office received a detailed submission from a special interest group advocating that the Ombudsman be given oversight over Ontario's new home warranty system and Tarion Warranty Corporation, the independent corporation established for administration of the *Ontario New Home Warranties Plan Act*. The group also appealed to the Minister of Government Services, who has responsibility for the Act, to extend the Ombudsman's jurisdiction in order to improve the degree of protection available to new home owners in Ontario.

Although the Ombudsman does oversee the License Appeals Tribunal, which deals with appeals of decisions made by Tarion, our Office does not have jurisdiction over Tarion itself and is not permitted to investigate individual claims from new home owners or complaints about its handling of their claims and the protection afforded to them. This is not a new issue for the Ombudsman's Office. In 1986, in a position paper to the Standing Committee on the Ombudsman, former Ombudsman Dan Hill advocated extending the Ombudsman's jurisdiction to what was then the Ontario New Home Warranty Plan.

Over the 2006-2007 fiscal year, the Ombudsman received 86 complaints about new home warranty issues – double the number received in the past four years. The Ombudsman has assigned the Special Ombudsman Response Team to conduct an assessment of complaints received in order to determine whether an investigation is warranted into the degree of protection Ontario offers to new home owners.

OPERATIONS OVERVIEW

Over the past year, the Ombudsman's Office has continued to build on the success it has achieved in revitalizing and modernizing its operations. We have also focused on our mission of supporting accountability, transparency and oversight in the provision of government services and on our goal of attaining relevant and meaningful results for Ontario residents who have complaints about those services.

We are proud to report that we've been able to help 20,226 individuals this year and we've done so faster and more efficiently than ever. Since April 2005, the Office has improved overall response times in complaint intake and resolution so that 92% of all cases are dealt with in one month's time. On the investigations front, 84% of cases are now closed within three months and 95% within six months.

Whether by providing information or advice, referrals on how to get assistance, resolving problems through shuttle diplomacy or conducting formal investigations and making systemic recommendations to improve government policies and programs, Ombudsman staff have managed to make a real difference for individuals who have come to us for help. Examples of some of our successes of note this year can be found in the "Case Summaries" section of this report.

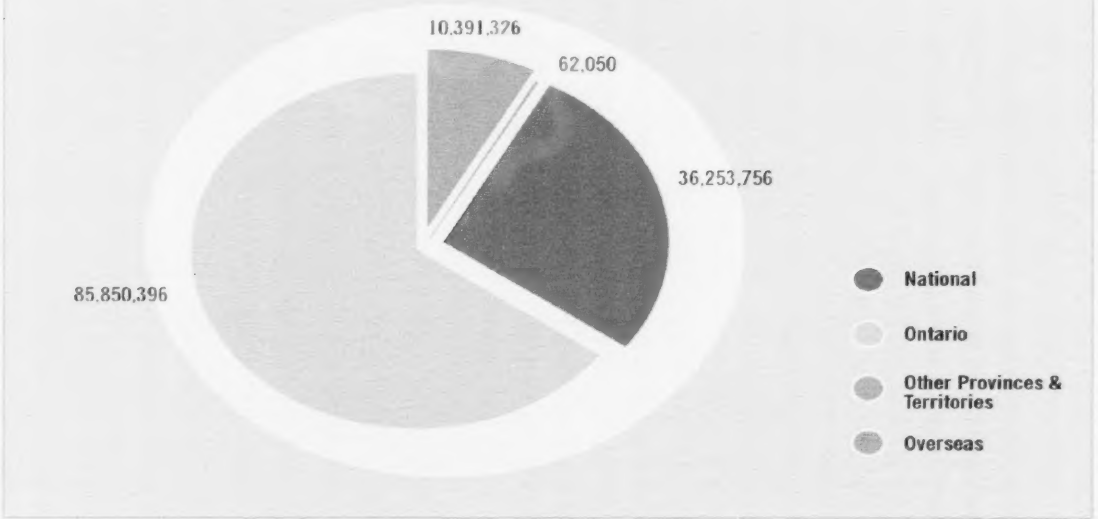
In addition, as you will read in the following pages, the systemic recommendations put forward as a result of investigations by the Special Ombudsman Response Team (SORT) continue to spark changes that affect virtually everyone in Ontario. From improved screening of newborns to property tax assessment reforms and a more secure lottery system, the Office has played an important role in issues that matter to the people of this province.

COMMUNICATIONS AND OUTREACH

Reaching the public is a critical part of the Ombudsman's job – and the single most effective way to do that is through the media. The Office's renewed focus on communications contributed to unprecedented levels of media coverage in 2006-2007. The Ombudsman's many high-profile investigations, public presentations, press releases and reports generated thousands of news stories that reached millions of people, and brought tens of thousands of visitors to our website at **www.ombudsman.on.ca**. We are able to report statistics on media coverage and website traffic this year for the first time.

Throughout the year, mentions of the Ombudsman in the media are tracked and the audience reach is estimated based on the reported circulation figures of each publication or, in the case of broadcast media, the viewing audience. In total, there were 1,706 articles about the Ombudsman, reaching an aggregate audience of 132.5 million in Canada and abroad. The print articles had an estimated total advertising value (calculated by FPinfomart using individual newspapers' advertising rates and the size of the articles published) of $3,372,662. There were also 1,338 items broadcast on radio and television.

Circulation/Audience Reach By Region



The bulk of this coverage concerned the release of Special Ombudsman Response Team reports. In February 2007, there were 84 news articles about the report on the Criminal Injuries Compensation Board, *Adding Insult to Injury*. The print articles reached an aggregate audience of 7.4 million and had an ad value of $165,436. In addition, there were 48 radio and television stories related to the report.

The report release with the largest media impact was *A Game of Trust*, the investigation into the Ontario Lottery and Gaming Corporation (OLG). News coverage began three days before the release and was intense for several days thereafter – throughout Ontario, across Canada and overseas as well. From March 23 to 31, 2007, there were 357 articles related to the report, with a reach of 22.8 million people and a print advertising value of $533,547. The report was also mentioned in 426 broadcast stories from March 23 to 31.

The Ombudsman's website was relaunched on June 20, 2006 with an enhanced ability to track visitor activity. From that date to the end of the fiscal year, the site received, on average, close to 16,000 visitors per month – mostly from Ontario. The site's online complaint form and e-mail access were used by 14% of those who contacted the Office.

Feb. 27, 2007, the day of the release of the *Adding Insult to Injury* report, was the website's busiest to that point, with 1,926 visitors. Then, on March 26, 2007, when *A Game of Trust* was released, the number of visitors peaked at 4,509 – and averaged about 1,300 per day for the next four days.

The Ombudsman also made a number of important speeches and public appearances throughout the year. He was welcomed as the keynote speaker at the Ontario Bar Association's December gala, lectured on issues of oversight of health care at the University of Alberta's Health Law Institute, and the University of Toronto's Munk Centre for International Studies. He also addressed several other groups, from the Canadian Property Tax Association to the Conference of Ontario Boards and Agencies. As well, he was invited to appear before the federal Commons Committee consulting on the creation of a Veterans' Ombudsman and met with City of Toronto officials on the establishment of their new Ombudsman office. (Copies of the Ombudsman's speeches and presentations are available on our website.)

Recognized as a pioneer in oversight among other ombudsman organizations in Canada and around the world, the Ombudsman's office hosted two international delegations from China as well as the ambassador of Albania in the past year. The Ombudsman serves as a regional vice-president for North America in the International Ombudsman Institute and gave the keynote address to the United States Ombudsman Association's annual conference in September 2006.

Delegates from the Chinese Ministry of Supervision attend a briefing with Deputy Ombudsman Barbara Finlay, right, at the Office of the Ombudsman in November 2006.

Special Ombudsman Response Team

The Special Ombudsman Response Team (SORT) is dedicated to conducting field investigations into complex, sensitive and high-profile issues of importance to the Ontario public. Its goal is to ensure a rapid response to issues that have a high public interest stake. Its investigations are evidence-based and conducted under tight deadlines, allowing the Ombudsman to make timely, relevant and practical recommendations which lead to tangible results and have a direct impact on public policy.

Before each SORT investigation, a thorough evidence-based assessment is conducted in order to determine whether or not an investigation is warranted. Stakeholders are interviewed and documents related to government policy and procedure are examined. The Ombudsman then decides whether to proceed with an investigation. This decision is based on a number of factors, including whether there is a *prima facie* case of systemic injustice or unfair treatment and whether an investigation would be in the public interest.

SORT investigations require extensive fact-gathering, including massive document reviews, in-person tape-recorded interviews, examination of physical evidence and research on best practices in other jurisdictions. The formulation of findings and recommendations often involves a complex analysis of important legal, social and public policy issues. In several cases, the Ombudsman's recommendations in such investigations have resulted in significant savings to the taxpayer.

All SORT reports may be viewed online under "Publications" at www.ombudsman.on.ca, or obtained from our office.

SORT Director Gareth Jones, centre, hosts a February 2007 briefing for crime victims on the team's CICB report with Senior Counsel Laura Pottigrew, left, and investigator Mary Jane Fenton, right.

In light of the nature of the issues dealt with, SORT reports are usually released publicly, ensuring an element of transparency and accountability and raising public awareness of important issues and the government's response to them. However, in some cases where the issue has been satisfactorily resolved and the Ombudsman's recommendations have been accepted, the results of the investigation have been announced without the publication of a formal report. In either case, when the Ombudsman's recommendations are accepted – as they have been after every SORT report to date – SORT follows up with the responsible branch of government to ensure they are implemented.

Over the past year, due to the team's reputation for innovative and dynamic approaches to administrative investigations, the Director of SORT was invited to give numerous presentations on investigative practices, including to the OPP Professional Standards Branch, the Association of Canadian Fraud Investigators, the City of Toronto Auditor, the Canadian Association for Victim Assistance and various provincial bodies. Other provincial Ombudsman offices have also requested assistance from SORT, including job-shadowing SORT investigators. Internationally, SORT provided expertise to the Office of the Ombudsman of Bermuda in connection with a major systemic investigation, and investigative training to the Office of the Complaints Commissioner of the Cayman Islands. In both cases, this training was financially supported by the host offices.

SORT INVESTIGATIONS

LOSING THE WAITING GAME

On March 1, 2006, the Ombudsman notified the Ministry of Community and Social Services of his intention to investigate complaints of undue delay in processing applications for disability benefits at the Ontario Disability Support Program (ODSP) and, in particular, in the program's Disability Adjudication Unit.

In response to the announcement of the investigation, the Minister of Community and Social Services, Sandra Pupatello, advised the media that she had been aware of the problem, that it was unacceptable and that she hoped to come up with solutions by the time the Ombudsman issued his report.

The Ombudsman's investigation was launched after the office received 71 complaints of delays of up to 10 months at the Disability Adjudication Unit (DAU), which determines whether an applicant for financial support meets the definition of a "person with a disability" as set out in the *Ontario Disability Support Program Act, 1997*. During the course of the investigation, an additional 74 complaints were received by our Office.

The Ombudsman's report featured the case of Lyndsey Aukema, a severely disabled young woman who became eligible for financial assistance from the ODSP when she turned 18 in May 2005. Lyndsey's parents had applied for benefits on her behalf in April 2005, but their application was not approved until December 2005 – and they were only granted benefits retroactively for four months, to August 2005. The Aukemas were out of pocket some $2,500 as a result of the loss of three months of retroactive benefits and medical and dental payments which Lyndsey should have received.

"We are happy Lyndsey now has all the money she was entitled to... I'm glad that through your intervention many other people also received the help they needed and were rightfully owed."

– THE AUKEMAS

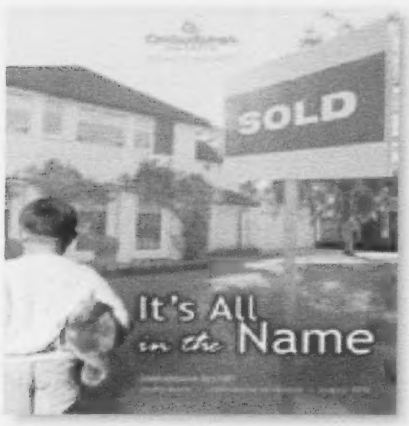
The investigation found that once applicants were deemed to be entitled to financial support, they were limited under the program's regulations to receiving only four months' worth of retroactive benefits, regardless of how long it may have taken for the Ministry to process their applications. The Ministry's own statistics revealed that 4,630 disabled individuals were affected during the period from April 1, 2004 to Dec. 31, 2005, meaning they lost out on at least $6 million in benefits.

On May 19, 2006, the Ombudsman sent his report on the investigation to the Ministry. The Minister responded a week later that the regulation restricting retroactive benefits to four months had been revoked, and she committed to improve service delivery and reduce delays. The report was publicly released on May 31, 2006. On Aug. 24, 2006, the Minister advised the Ombudsman that Cabinet had approved a $25-million fund to provide restitution to approximately 19,000 ODSP applicants who had lost out on benefits as a result of delays in processing their applications. The Ministry reported that it had hired extra staff to find thousands of applicants who were owed money and had also reduced its existing DAU application backlog by 3,000.

"I really thank you and really appreciate it because someone understood what we went through. I also appreciate the government for agreeing to pay the retroactive benefits."

– COMPLAINANT

On Nov. 15, 2006, the Ministry reported that it had hired an additional nine adjudicators and reduced wait times from eight months to less than six. As of March 28, 2007, it reported the backlog at the Disability Adjudication Unit had been eliminated and that it had adopted a new service standard of 90 days for adjudication of applications, with the current wait time being approximately 50 business days. It had reviewed 8,326 cases and found 5,162 where restitution was owed, with an additional 577 awaiting additional information. As a result, the Ministry has issued $5,692,097.78 in restitution payments, with an average payment per case of $1,102.69.



IT'S ALL IN THE NAME

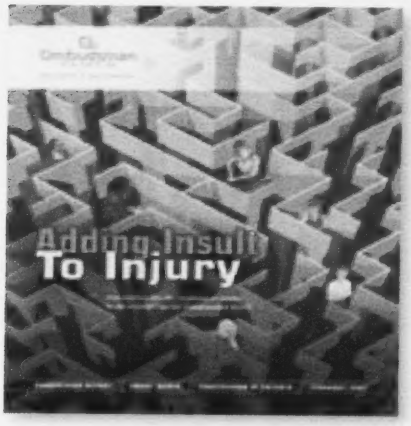
This SORT report, released on Aug. 9, 2006, examined the case of Mr. F, a divorced father who complained that the Family Responsibility Office (FRO) had missed an opportunity to collect child support arrears owed to him when his ex-wife and her new husband sold their house in 2005.

Mr. F was owed thousands of dollars in back child support by his ex-wife, who had made only a few of the monthly payments required by court orders from 2002 and 2004. The FRO had filed a Writ of Seizure and Sale in November 2003, so that if her house was sold, some of the proceeds could be collected to pay the child support debt. Both Mr. F and his local MPP's office had called the FRO repeatedly to warn that the ex-wife was selling her house and to make sure everything was in order. But when the house sold, Mr. F and his son got nothing.

The Ombudsman's investigation revealed that the FRO was aware that the Writ of Seizure and Sale had been issued in the wrong name – the ex-wife had used her new married name in the sale, not her maiden name, which appeared on the court orders for child support – but it failed to do anything about it. The FRO was also well aware that the Writ of Seizure and Sale would be useless if the names did not match. The Ombudsman did not accept the FRO's explanation that it was not obliged to provide this information because it was a neutral agency or its claim that doing so could violate privacy laws. He concluded that the FRO was not living up to its obligations to vigorously collect unpaid child and spousal support, and that Mr. F's case reflected a general malaise within the organization, where rule-bound administrators had forgotten that they were dealing with real people.

The Ombudsman recommended that the Family Responsibility Office compensate Mr. F for the unpaid support he should have recovered from the sale of the house, and that it warn all support recipients in similar situations in future. As well, he recommended legislative changes be considered to ensure that Writs of Seizure and Sale can be more effectively and efficiently enforced in such cases.

The FRO accepted all of the Ombudsman's recommendations and posted a new information sheet on Writs of Seizure and Sale on its website. It also undertook to retrain its staff on the use of Writs of Seizure and Sale as an enforcement tool and to amend its procedures so that relevant name-change information about support payors would be shared with support recipients. The new Minister of Community and Social Services, Madeleine Meilleur, also pledged to conduct an analysis of the Ombudsman's proposed legislative changes and bring the suggestions forward when the government next considers relevant legislative amendments.



ADDING INSULT TO INJURY

On Aug. 22, 2006, the Ombudsman announced a systemic investigation into the treatment of victims by the Criminal Injuries Compensation Board (CICB), the quasi-judicial administrative tribunal established under the *Compensation for Victims of Crime Act* to provide compensation for victims of violent crime and their families. In recent years, our Office had received an increasing number of complaints from victims about the board's lengthy administrative delays and onerous bureaucratic process. By the time the investigation concluded, we had received 153 complaints about the CICB in 2006-2007.

During their five-month investigation, SORT members reviewed 39 banker's boxes of documents from the CICB and the Ministry of the Attorney General. They interviewed more than 60 witnesses, including government officials, victims of crime and their families, stakeholder groups and professionals working with victims of crime. Compensation schemes in other jurisdictions were also examined.

The investigation revealed that the CICB had failed to provide adequate, timely and appropriate service to victims of violent crime – in fact, close to half of the victims who requested application forms each year gave up in the face of overly complex paperwork. Of the 4,000-5,000 completed applications it received per year, the board was adjudicating only about 2,500. The Ministry predicted that by October 2007, there would be 17,500 backlogged compensation claims. The average time for an application to be processed was a staggering three years – including several months for forms to be entered into the system, nearly two years for the claim to be analyzed and sent for a hearing, and many more months for a decision to be made and payment delivered. The investigation also found that successive governments had been aware of the problems at the CICB but had chosen to study it to death rather than take action.

In releasing the report on Feb. 27, 2007, the Ombudsman commented that Ontario had broken its promise to victims of crime and the CICB had treated victims "like rats in a maze." He determined that the primary reason for the board's failure was that governments failed to fund it properly. One administration after another had given the CICB an unrealistically low budget and then forced it to use that budget to cover not only its operating costs but any compensation it awarded. The Ombudsman found this had undermined the board's independence and that at times the Ministry had acted contrary to law by ordering it to delay paying out compensation so it would not exceed its budget. The chronic underfunding in turn had caused the CICB to develop a bureaucratic culture and a siege mentality, to the detriment of those who came to it for help.

The Ombudsman recommended that the Ministry provide the CICB with the resources it needed to process claims promptly and efficiently, and to clear its backlog. He also recommended the Ministry enter into a memorandum of understanding respecting the board's independence and that it cease any attempt to control costs by directing it to delay payment of awards. As well, he made several recommendations as to how the CICB should humanize its process and culture, including establishing an advisory board of victims and their advocates, and called on the Ministry to conduct meaningful consultations with stakeholders on how to improve the overall compensation scheme.

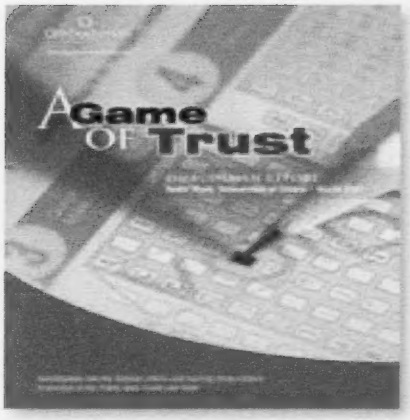
"The Ombudsman's report has blown the cover off of this bureaucratic board that revictimizes us."

– COMPLAINANT

At the February 2007 press conference on **Adding Insult to Injury**, *the Ombudsman tells reporters the CICB treated victims "like rats in a maze."*

Upon receiving the Ombudsman's preliminary report, the Ministry of the Attorney General immediately accepted all of the Ombudsman's recommendations, but the CICB initially did not. A week later, however, as the final report was about to be published, the Chair of the CICB advised the Ombudsman in writing that all of the recommendations were accepted and a detailed action plan for their implementation would be provided by March 21, 2007.

On March 2, 2007, Attorney General Michael Bryant announced a total of $20.75 million in additional funding, including $12.75 for victim compensation, $2 million to ease the board's backlog and $6 million for emergency services for victims. He committed to have a plan in place for this by Aug. 15, 2007. He also announced that the former Chief Justice of Ontario, Roy McMurtry, would be appointed to engage in a broad-based consultation to create a new framework for compensating victims of crime.



A GAME OF TRUST

On Oct. 25, 2006, the CBC television documentary program *the fifth estate* featured the story of Bob Edmonds, a Coboconk senior who was cheated out of his winnings by a lottery ticket retailer, only to have to fight a lengthy court battle with the Ontario Lottery and Gaming Corporation (OLG) to get the money. The story also alleged that lottery retailers were winning many more prizes than could be accounted for statistically by sheer luck. The day after the CBC program aired, the Ombudsman launched an investigation on his own motion into how the OLG protects the public from theft or fraud, and how it handles complaints about retailers. Although the Office had not received any complaints about the OLG before the investigation was announced, the Ombudsman recognized that without public trust and confidence in the lottery system, the billions of dollars it contributes to government services, charities, hospitals, etc. could be at risk. By the end of March 2007, our Office had received 539 OLG-related complaints.

In the aftermath of the *fifth estate* program, the Minister of Public Infrastructure and Renewal, David Caplan, directed the OLG to conduct a review of its processes, for which the OLG engaged the private audit firm KPMG. The consultants produced three reports costing more than $600,000, recommending ways to improve service and security at the OLG.

In his report, released March 26, 2007, the Ombudsman found that the OLG had become fixated on profit rather than public service and that it had failed to treat the potential for retailer theft and fraud seriously. It was hampered by a corporate culture exemplified by an internal e-mail written by its CEO in response to concerns about suspicious retailer wins: "Sometimes you hold your nose."

The investigation revealed that the OLG had chosen to fight Mr. Edmonds despite a court ruling just one month earlier that said it had a duty of care to protect the public from unscrupulous retailers. It typically treated consumers who complained about retailers as authors of their own misfortune, and forwarded very few complaints to its security section for investigation. In 2003 and 2004, the OLG identified five suspicious major wins by insiders, but only one of the claimants was denied a prize. The rest took home jackpots ranging from $250,000 to $12.5 million. Yet rather than focusing on tightening controls over retailers, the OLG considered relaxing them further. In addition, the Ombudsman found the OLG had failed to track information such as the number of retail employees selling lottery products, the amount spent by retailers on playing lotteries themselves, and the number of "insider" wins. Consequently, it was impossible to determine statistically whether or not retailers were winning in unlikely proportions compared to average consumers.

In his recommendations, the Ombudsman called on the government to take responsibility for regulation of the lottery system out of the OLG's hands and establish an independent oversight regime. Among other improvements, he recommended retailers be registered, face background checks and random integrity testing, and abide by a zero-tolerance code of conduct.

As for the OLG, the Ombudsman made 20 recommendations, including that it improve its statistical record-keeping, acknowledge on its website that it owed a duty of care to protect the public from fraud and theft, and enhance its training of investigators. He stopped short of recommending that retailers be banned outright from playing lotteries, noting that no other jurisdiction in Canada had such a policy, it would be extremely difficult to enforce, and, if his recommendations were properly implemented, a ban would be unnecessary.

"There is no doubt we could and should have done better."

– LETTER FROM OLG CHAIR AND CEO

Upon receiving the Ombudsman's preliminary report, the Minister of Public Infrastructure and Renewal and the OLG's Chief Executive Officer accepted all of the Ombudsman's recommendations. The Minister agreed to report back to the Ombudsman in six months on the progress made in establishing a separate oversight scheme for lotteries and committed to working with the OLG to address problems with its corporate culture. The CEO and chair of the OLG wrote jointly to the Ombudsman on March 16, 2006, committing to act quickly on his recommendations and stating: "We agree with your assessment of OLG's treatment of Mr. Edmonds. Our apology to him was long overdue and absolutely sincere."

THE DIFFERENCE A FEW DAYS MAKE

The Ministry of Health and Long-Term Care's Ontario Health Insurance Plan (OHIP) stipulates that people moving to Ontario who have been out of the country for more than seven months must wait three months before the province will cover their health care.

On Aug. 17. 2006, the Ombudsman received a complaint made by the daughter of a 94-year-old man. Her father, a Canadian citizen and World War II veteran, had moved to the United States after he retired. When she had to bring him back to Canada to live with her on very short notice, she asked the Ministry what she should do to ensure he had health coverage during the three-month waiting period. She was advised to get private insurance, but given her father's age, this was not an option.

The man moved into his daughter's home, where, 38 days before his OHIP coverage was to begin, he fell and broke his hip. The daughter was told he would die without surgery. At the end of his lengthy hospital stay, he was left with a bill for over $35,000, which the hospital allowed him to repay through small monthly deductions from his pension – although it advised the daughter it would go after his estate for the rest of the bill after his eventual death.

The Ombudsman investigated the complaint and submitted a preliminary report to the Ministry of Health and Long-Term Care, recommending it consider making an exception in the man's case based on compassion, decency, and fairness. He pointed out that Ministerial discretion exists for such cases, despite one Ministry official's assertion that the OHIP provisions are "black and white."

The Deputy Minister of Health and Long-Term Care subsequently confirmed to the Ombudsman that the hospital had waived the bill. Within a few weeks, the hospital sent a cheque returning the money already paid. The complainant, who had never told her father of the debt due to his fragile health, was extremely pleased with the outcome.

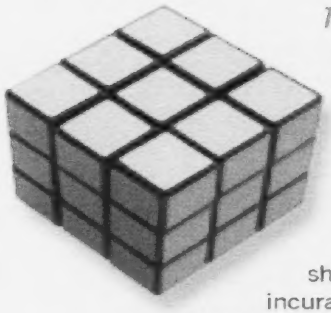
A MEDICAL NECESSITY

The Ombudsman received a complaint from a social worker at an Ontario children's hospital about the impact of a decision to stop funding the prosthesis insertion procedure for boys under the age of 18 who had lost testicles due to disease or other conditions. The social worker complained on behalf of a group of caregivers at the hospital, including doctors and nurses.

The procedure had been dropped from OHIP's schedule of publicly funded benefits in 1998, but the hospital had continued to cover the cost out of its own budget until August 2005. The cost of the surgery, at $2,300 per testicle, proved to be a hardship for many families, who were also reluctant to seek assistance because they did not want to draw attention to the boys' condition.

On April 27, 2006, the Ombudsman notified the Ministry of Health and Long-Term Care of his intention to investigate this systemic issue. SORT investigators interviewed Ministry officials and their counterparts in other provinces, doctors and health professionals from two children's hospitals, and affected teens and their families. The doctors unanimously agreed that testicular prostheses were medically necessary for psychological reasons and patient self-esteem. Several likened the psychological issues faced by the young men to the experiences of women who have had mastectomies.

On May 15, 2006, the Minister of Health and Long-Term Care, George Smitherman, announced that coverage for testicular prosthesis surgery would be restored for boys under 18 in cases where it was deemed medically necessary. In a letter dated June 7, 2006, the Deputy Minister of Health confirmed to the Ombudsman that the Ministry would seek the necessary approvals to relist the procedure as insured under OHIP. Following Cabinet approval, a bulletin was posted to the Ministry's website on Jan. 11, 2007, which announced that coverage for this procedure had been restored, retroactive to May 12, 2006.



THE OUT-OF-COUNTRY CONUNDRUM

On Nov. 23, 2006, the Ombudsman notified the Ministry of Health and Long-Term Care of his intention to investigate the case of Suzanne Aucoin, who had been denied funding for cancer treatment under OHIP's out-of-country program.

Ms. Aucoin was first diagnosed with Stage 1 colorectal cancer in June 1999, at the age of 28. She underwent surgery and was assured she had been cured, but in October 2003 she learned it had returned and worsened to Stage 4, considered incurable. She was told she could expect to live 22 months with chemotherapy, but only a year without it. In November 2004, she began treatment with the anti-cancer agent Avastin, which she obtained and paid for through a cancer specialist in Buffalo, New York. The drug manufacturer refunded two-thirds of this cost to her on compassionate grounds, but she was still out of pocket approximately $20,000 U.S.

> *"It's as if they hand a dying cancer patient a Rubik's Cube and they've got to figure it out for themselves. It's a real cruel game."*
>
> – OMBUDSMAN ANDRÉ MARIN, ST. CATHARINES STANDARD, JAN. 31, 2007.

In September 2005, another anti-cancer agent, Erbitux, was approved by Health Canada. Ms. Aucoin learned that a number of colorectal cancer patients in Ontario had obtained funding to receive Erbitux treatment in the U.S. Her oncologist submitted an application requesting OHIP funding for out-of-country treatment involving a "cocktail" of drugs including Erbitux. The Ministry rejected the application, saying the proposed treatment was not generally accepted in Ontario and was considered experimental. As well, it indicated the medication was legally available in Ontario. Ms. Aucoin and her physician did not understand how Erbitux could be considered "experimental" given its widespread use in the U.S. – and the fact that the Ministry was already funding it for others. As for Erbitux being available in Ontario, while it had been approved by Health Canada, the drug's manufacturer had chosen not to sell it in Canada.

Ms. Aucoin appealed the decision to the Health Services Appeal and Review Board, but she did not put off her chemotherapy. As she put it, "Cancer doesn't wait." She returned to her cancer specialist's private clinic in Buffalo, paying for the treatment with money she and several supporters had raised themselves. The cost of her treatment was approximately $10,000 less per month than the Roswell Park Cancer Institute, also in Buffalo, where the Ministry was paying for other Ontario cancer patients to receive Erbitux. In March 2006, her physician reapplied for out-of-country funding, this time for Erbitux alone, and this time the province agreed to fund eight weeks of treatment at Roswell Park.

In November 2006, the Health Services Appeal and Review Board denied Ms. Aucoin's appeal. However, it was no longer claiming the Erbitux treatment she received in the U.S. was experimental. Instead, it now said it was rejecting her because she had not sought treatment in a licensed health facility, i.e., a hospital.

Ombudsman André Marin and Suzanne Aucoin, right, discuss her case at a panel at the University of Toronto's Munk Centre in March 2007.

– Photo courtesy St. Catharines Standard

SORT investigators took approximately two months to interview Ms. Aucoin and her counsel, her oncologist, and officials from the Ministry, and to review the relevant legislation and Ministry documents. The Ombudsman concluded that had the Ministry properly advised Ms. Aucoin and her physician of its reasons for denying her application, she would not have incurred substantial medical expenses necessary to prolong her life, or legal expenses in challenging the decision. As well, he found that the Ministry had failed to communicate basic information to physicians and the public about coverage for out-of-country treatment.

The Ombudsman recommended that Ms. Aucoin be reimbursed for all the expenses she incurred due to the rejection of her funding application. In addition, he recommended the Ministry review its out-of-country program and implement improvements to ensure that decisions are founded on consistent and well-defined standards, and that patients and physicians are given clear and accurate reasons for the responses they are given.

The Ministry accepted all of the Ombudsman's recommendations and agreed to report regularly on its progress in implementing them. As well, it immediately reimbursed Ms. Aucoin $76,000 for her medical costs and legal fees. On Jan. 30, 2007, the Ministry issued a press release, stating: "Following the Ombudsman's investigation, the Ministry has agreed to reimburse Ms. Aucoin for her costs. In communicating the decision to Ms. Aucoin, the Deputy Minister on behalf of the Ministry of Health and Long-Term Care apologized for the difficulties Ms. Aucoin experienced in resolving this issue." The Deputy Minister personally delivered the reimbursement cheque to Ms. Aucoin. With the matter thus resolved, the Ombudsman decided not to publish a formal report.

The Ministry also announced a comprehensive review of its out-of-country funding program, to be completed in the spring of 2007. At the time this report was written, the review was ongoing and the Ombudsman and his senior staff had been interviewed by two external consultants retained by the Ministry to conduct the review.

COLLATERAL DAMAGE

"Do I have to be standing over the grave of my child before someone helps me?"

– DISTRAUGHT SPOUSE OF A SOLDIER, CFB PETAWAWA

On March 1, 2007, the Ombudsman received a complaint from the Executive Director of the Phoenix Centre, the sole Children's Mental Health Centre serving residents of Renfrew County, which includes Canadian Forces Base Petawawa. The complainant alleged that the province was failing to provide funding for adequate mental health services for military children during a time of crisis.

At that time, 14 Petawawa-based soldiers deployed in Afghanistan had been killed and another 80 seriously wounded since the summer of 2006. The impact on the mental health of soldiers' children throughout the Petawawa community was horrific. Demand for psychological counselling for military children had grown from just 2% of the Phoenix Centre's cases to 20% since August 2006, but due to lack of resources, these children were being forced to wait up to six months for treatment. The Phoenix Centre had requested an extra $536,250 from the provincial government to meet this increased demand, but the Ministry of Children and Youth Services repeatedly turned it down. The Minister, Mary Anne Chambers, said publicly that because the increase in demand for service was a direct result of the federal government's decision to send troops to Afghanistan, it was up to the federal government to deal with the consequences.

The Minister confirmed to the Ombudsman that she would not commit additional funds to the Phoenix Centre because there was an overall shortage of funding for children's mental health services across the province, and she felt the federal government should step up to help.

"That governments could stoop so low as to use mentally ill children as political pawns is bad enough; that they could do so with the children of soldiers risking their lives abroad is doubly reprehensible."

– COLUMNIST ANDRÉ PICARD, GLOBE AND MAIL

The SORT investigation was completed in 10 days. Investigators conducted more than 20 interviews in Petawawa and Ottawa, including with the widows of two soldiers who had been killed in action, CFB Petawawa officials and organizations that assist military families. There was indisputable evidence that the community was undergoing an extraordinary ordeal that required immediate attention. Investigators learned of increases in substance abuse and youth crime, eating disorders, self-mutilation and suicidal tendencies among the affected children. Children were not only worried that their own parents might be among the next casualties, they were also deeply affected by the losses suffered by so many of their friends. The return home of one contingent of troops in January and February had only added to the problem, as it was noted that up to 20% of soldiers may be coping with some degree of Operational Stress Injury. Indeed, the Phoenix Centre's waiting list for family counselling had grown considerably since December 2006 and the rate of area couples seeking divorce had reportedly doubled.

In addition to interviewing provincial bureaucrats at the Ministry of Children and Youth Services, SORT investigators met at the federal level with special assistants to the Minister of National Defence and senior officials at Health Canada and Human Resources Development Canada. The purpose of these meetings was not just to gather information but also to encourage both levels of government to enter into a dialogue.

The Ombudsman determined that the provision of mental health care for the children of Canadian Forces members was solely a provincial responsibility, and that the Ministry of Children and Youth Services had failed to adequately provide those services. However, he also indicated that the federal government had a moral obligation to assist in alleviating the crisis for a number of reasons, including the potential impact on soldiers' morale. He recommended the Ministry provide immediate funding for children's mental health services in the area and that it ensure that these services are provided in the long term in consultation with the federal government.

Given the seriousness of the situation, the Ombudsman also met with Premier Dalton McGuinty as well as the Minister of National Defence, Gordon O'Connor, to discuss his findings and recommendations. The Premier confirmed that in response to the Ombudsman's recommendations, the government had created a $2-million contingency fund to provide children's mental health support to communities facing crisis or extraordinary circumstances – from which the Phoenix Centre would receive immediate funding. This new fund was part of a total $24.5-million increase for children's mental health services, which also included a 5% increase in base funding for child and youth mental health agencies (totalling $18 million) and $4.5 million to address regional priorities. The Minister of National Defence confirmed that the federal government was open to further discussions with the province to ensure that the mental health needs of Petawawa's children were met.

In early April 2007, Ministry of Children and Youth Services officials met with the Phoenix Centre and agreed on a budget increase for 2007-08 that would allow them to hire two new therapists and two new youth workers. Further discussions will take place later in the year. The federal government provided $100,000 to the Petawawa Military Family Resource Centre to allow it to contract with the Phoenix Centre for services. As well, the Ministry committed to reporting to the Ombudsman monthly on further progress and on the status of the children's waiting list at the Phoenix Centre.

Due to the urgent nature of the situation and the fact that the complaint had been resolved, the Ombudsman did not publish a formal report, but released the results of his investigation publicly on April 13, 2007 in Ottawa.

COMPLETED SORT ASSESSMENTS

Not every SORT case leads to an investigation. In some instances, once a preliminary assessment of the issue is completed, a decision is made not to proceed if it has been shown that concrete measures are being taken to deal with the problem, an action plan is being implemented or there is insufficient evidence of maladministration. The following are some examples of such cases:

ASKING TO BE HEARD

In the spring of 2006, the Ombudsman received a complaint from a Toronto volunteer organization affiliated with Family Alliance Ontario, an organization that provides networking opportunities and supports to persons with disabilities and their families. The group complained that changes to OHIP's Schedule of Benefits in August 2001 severely restricted the public's access to audiological services. They were especially concerned that assessments for Central Auditory Processing Disorder (CAPD) would no longer be covered, even for children.

During their preliminary assessment of the issue, SORT investigators interviewed representatives from the Ministry of Health and Long-Term Care and several other provincial health ministries, as well as individuals, organizations, and professionals familiar with the delivery of audiological services in Ontario. SORT also reviewed extensive background material relating to the changes introduced in August 2001.

The Ministry took the position that public access to hearing tests had not been unduly limited by the OHIP changes. Hearing tests were still covered by OHIP if they were done through a qualified physician, an audiologist who works for a qualified physician, or at a hospital. SORT's review also found there was a debate among health professionals about the value and the reliability of CAPD assessments. Based on the SORT assessment, the Ombudsman decided that a full investigation was not warranted.

FOLLOWING THE MONEY

The Ombudsman received several complaints from individuals who had contracted Hepatitis C through the blood system before 1986 or after 1990 – i.e., people who had not shared in the compensation settlement agreed to in the late 1990s by the federal government, which was only for people infected between 1986 and 1990 – regarding provincial funding intended for their care and treatment. The pre-1986 and post-1990 victims were the subject of a federal/provincial/territorial funding agreement signed by Ontario in 2002, under which Ontario is to receive a total of $132 million over a 15-year period. The money is not compensation, but is intended to pay for medical services and expenses not covered through the provincial health care system. The complainants alleged that the funding had been subsumed into general revenues by the province and that Hepatitis C sufferers were not receiving any enhanced care or treatment.

In assessing the complaint, SORT investigators interviewed the complainants as well as senior health officials in every province and the federal government to determine their understanding of the agreement, how the funds were used, and how information about the application of the funding had been communicated to the public. Documents from both levels of government were reviewed.

The Ombudsman concluded that the Ontario Health Ministry's use of the money was consistent with the intent of its undertaking with the federal government and with the situation in other provinces, and decided not to proceed with a full investigation.

UPDATES ON COMPLETED INVESTIGATIONS

BETWEEN A ROCK AND HARD PLACE

On May 20, 2005, the Ombudsman tabled his first SORT report, *Between a Rock and a Hard Place*, in which he denounced the Ministry of Children and Youth Services' actions in requiring parents of severely disabled children to relinquish their custody to children's aid societies (CASs) in order to obtain the care they needed. The Ombudsman recommended the Ministry ensure that CASs identify cases in which children with severe disabilities have come into their custody simply because they require residential care, and that funding be provided to help families in such situations.

In response to the Ombudsman's recommendations, on June 27, 2005, the Ministry announced an additional $10 million to help children with severe special needs. Annother $10 million was announced in the 2006 budget, with $4 million more being committed to Children's Treatment Centres in 2007. As of August 2006, the Ministry reported that 65 children had been returned to their parents' custody. In 18 other cases, custody was not returned; in some cases because real protection issues existed, the child had reached 18 or a court had determined that it was not in the child's best interests.

> *"It will be wonderful to have our children back in our lives ... I can't tell you how much we appreciate all that your office has done to save our children from the mess that they were facing."*
>
> – COMPLAINANT

The Ombudsman also recommended that the Ministry remove the moratorium on special needs agreements and that the government consider re-legislating the power to make such agreements so that it is both mandatory and administered outside of a statute that deals with child protection matters. Although the Ministry did not reinstate the use of special needs agreements, it reports that it is improving the present system to make special needs services more accessible, better co-ordinated and centered on the needs of children and their families. In September 2006, Senior Ministry staff briefed the Ombudsman's Office on the results of the Ministry's policy review of children's residential services, and in January 2007, the Ministry provided the Ombudsman with an external consultant's report on the review. The Ministry also released an action plan to improve training and tools for licensing staff, improve access to information on residential services; and support greater accountability for organizations serving children and youth. The Ombudsman will continue to monitor the Ministry's progress on a quarterly basis.

"We're now offering newborn screening...
We were the worst and now we're first in Canada."

– PREMIER DALTON MCGUINTY, HANSARD, MARCH 19, 2007

THE RIGHT TO BE IMPATIENT

In September 2005, the Ombudsman released *The Right to be Impatient*, his report on the Ministry of Health and Long Term Care's administration of the program designed to screen newborn babies for potentially life-threatening inherited metabolic disorders. When the investigation was launched in August 2005, Ontario was screening newborns for only two such conditions, and internal Ministry documents estimated that as many as 50 children per year were dying or becoming severely disabled due to disorders which the program could easily have been expanded to detect.

During the investigation, the government announced it would improve the program to screen for 19 additional disorders. Once the Ombudsman's report was released, the government announced it would add six more to the screening panel, and committed to have testing in place for all 27 disorders by Dec. 31, 2006.

The laboratory head of the Ontario Newborn Screening Program confirms that screening is now being done for 26 disorders. The last of the disorders added to the screening panel in 2005 is scheduled to begin later this year.

FASTER SERVICE – GUARANTEED

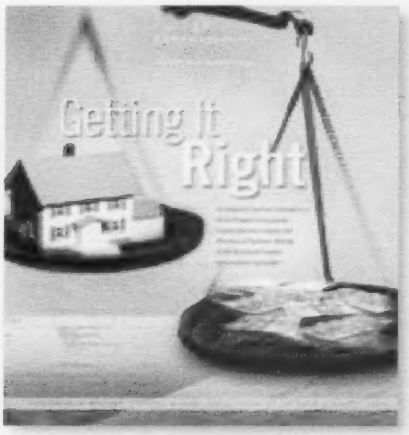
Since our 2004 investigation into delays in the processing of applications for birth and death certificates, the Ombudsman's Office has monitored the progress of the Registrar General and the Ministry of Government Services in improving their services. Our 2005-2006 Annual Report recorded a 47% reduction in the number of related complaints and comments to our Office, from 1,309 in 2004-2005 to 697 in 2005-2006. In 2006-2007, the number of complaints and comments continued to decline, to 545.

"There is no doubt in my mind that if you had not inquired and spoken on my behalf with the Office of the Registrar General, I would either be in for a much longer wait or I would not have received the requested document."

– COMPLAINANT

On Jan. 15, 2007, the Registrar General announced that it was extending its "guaranteed" 15-day online birth certificate service to marriage and death certificate applications. This initiative offers a money-back guarantee that certificates for events registered in 1991 and after will be mailed within 15 business days. In March 2007, the Deputy Registrar General reported that processing time for amendment applications had been reduced to 15 weeks, delayed registrations of birth to seven weeks, and name changes – which took 30 weeks in March 2006 – were now down to three weeks. Telephone service also continues to improve, with the number of calls resulting in busy signals decreasing 99% from 2004: There were an average of 1,175 per day in March 2007, compared to as many as 130,000 per day in June 2004. The Deputy Registrar General advised that more technological improvements will come later this year as part of a customer contact improvement initiative across the Ontario Public Service.

The Ombudsman will continue to monitor and report on service developments at the Registrar General's office.



GETTING IT RIGHT

The Ombudsman's report on the transparency, integrity and efficiency of decision-making at the Municipal Property Assessment Corporation (MPAC), titled *Getting it Right*, was released on March 28, 2006. It reported on some 3,720 complaints to the Ombudsman about MPAC; since then, our Office has received an additional 1,277 MPAC-related complaints, comments and submissions (916 of them in fiscal 2006-2007). Throughout the past year, the Ombudsman heard from many organizations and municipalities offering support for the report, including the City of Toronto, which planned to survey property owners on issues concerning MPAC and its implementation of the Ombudsman's recommendations.

"What we have done in light of the Ombudsman's report is to cancel the next two property assessments because we believe that the Ombudsman put forward recommendations that are worthy of implementation."

– FINANCE MINISTER GREG SORBARA, HANSARD, DEC. 21, 2006

On June 29, 2006, the Minister of Finance, Greg Sorbara, announced that property tax reassessments by MPAC would be cancelled for the next two years to allow for implementation of the Ombudsman's recommendations. The Ministry reported in October 2006 that it was conducting research and consulting with a variety of stakeholders, as recommended.

In addition, in the March 22, 2007 provincial budget, the Minister announced extensive changes to the property tax system, including a four-year reassessment cycle and a mandatory phase-in of assessment increases spread equally over four years.

Meanwhile, MPAC provided a 22-page progress report to the Ombudsman on Sept. 28, 2006, on its implementation of his recommendations (available on MPAC's website, www.mpac.ca). It reported it had implemented eight of the 20 recommendations and would implement two more by the end of 2006, with action progressing on the rest. Because of the cost implications of some of the recommendations, it indicated it would consult with municipalities before additional action is taken. For example, it has determined an additional 200-225 staff are needed to improve the accurate collection of residential property data through a six-year inspection cycle.

Changes outlined in MPAC's progress report that have been implemented or will be implemented for the next assessment period include:

- publishing new brochures telling property owners how to obtain information on their own and comparable properties;
- revising assessment notices to provide more information about changes in assessed value for area properties;
- creating a new portal on the MPAC website (scheduled for completion in 2008) for owners to get information about comparable properties;
- giving greater weight to the actual selling price of homes in determining assessed value when an assessment is challenged;
- providing information to the homeowner on new comparable properties to be used at Assessment Review Board hearings at least seven days before the hearing (MPAC is working to increase this to 14 days);
- requiring settlement offers by MPAC representatives to be given to taxpayers at least seven days before an Assessment Review Board hearing;
- standardizing audit reports; and
- posting administrative procedures on MPAC's website – 66 procedures are to be posted, in jargon-free language, by 2008.

The Ombudsman will continue to monitor and report on the progress of MPAC and the provincial government in implementing the recommendations.

ONGOING SORT INVESTIGATIONS

LIFE AND BREATH

The Ombudsman received a complaint from a health care specialist at a children's hospital regarding children with chronic respiratory problems who are dependent, for all or part of the day, on technology to assist them to breathe. Treatments for these children require an oxygen saturation monitor, which is provided at the hospital. The monitors can also be used at home under the supervision of a parent or other caregiver, however, the Ministry of Health's Assistive Devices Program (ADP) does not pay for the devices once a child is discharged from hospital. Requests for funding for the monitors, which cost $2,000-6,000 apiece, have been repeatedly declined in recent years.

In February 2007, the Ombudsman notified the Deputy Minister of Health of his intention to investigate the circumstances surrounding the Ministry's refusal to provide funding for oxygen saturation monitors. SORT investigators interviewed doctors, clinical practitioners, parents and Ministry officials.

In March 2007, the Director of the Assistive Devices Program met with the complainant and members of the hospital's respiratory medicine division. On March 27, 2007, the Deputy Minister wrote to the Ombudsman to advise him that the Ministry was reviewing the matter and that ADP staff were establishing a working group to assist the Ministry in determining whether oxygen saturation monitors for children should be funded under the program, and to establish clinical guidelines for their use.

ASSESSING THE SIU

Between January 2006 and June 2007, the Ombudsman's Office received 20 complaints about the province's Special Investigations Unit – the independent civilian agency responsible for probing police actions resulting in the serious injury or death of members of the public. The complainants include family members of people who have been killed or injured, and lawyers and community groups, all of whom raised serious concerns about the way SIU investigations were being conducted. Some alleged delays in incidents being reported to and investigated by the SIU; others suggested investigations lacked objectivity or were less than thorough. Families also complained of a lack of information provided by the SIU, particularly after investigations were closed.

After a SORT assessment of the complaints, the Ombudsman announced the launch of a full systemic investigation into the SIU's operational effectiveness and investigative processes on June 6, 2007. In the week after the announcement, the Office received an additional 17 complaints and inquiries about the SIU. The Ombudsman stated he expects the investigation to be completed by the end of October and a report issued shortly thereafter.

Case Summaries

In addition to the systemic field investigations handled by the Special Ombudsman Response team, the Ombudsman's Office resolves thousands of problems every year for Ontarians dealing with the provincial government and its many agencies. The following are just a few examples of the results we achieved for individuals in the past year.

MINISTRY OF HEALTH AND LONG-TERM CARE

An Early Christmas Present

A man contacted the Ombudsman's Office in fear of bankruptcy, after the Trillium Drug Program turned down his request for help with his wife's drug costs of $350-$400 per month. He had been told his application could not be approved because he had not provided social insurance numbers for his two teenage daughters. The daughters were still in school and did not have social insurance numbers.

The Ombudsman's Office reviewed the man's case with a manager at the privately contracted firm that runs the Trillium program. The manager agreed that the daughters' social insurance numbers could be provided later, once the girls had applied for and received them, but his application would be approved immediately. The man was able to pay for his wife's prescriptions that very day – three days before Christmas – with full coverage from Trillium.

"Specialist" Treatment

A resident of northern Ontario had to travel to Winnipeg to see a specialist for medical treatment. She was denied funding for her travel costs under the Ministry of Health's Northern Health Travel Grant program because the doctor was not certified as a specialist by the Royal College of Physicians and Surgeons of Canada.

The Ombudsman's investigation found the doctor was one of several in Manitoba who are recognized as specialists by the College of Physicians and Surgeons of Manitoba and are paid as such in that province, even though they are not certified as specialists by the Royal College. As a result of the investigation, the woman was given a travel grant, and the Ministry agreed to change its program, effective Jan. 1, 2007, to cover such specialists.

A Matter of Time

With the help of his hospital, a man applied to the Ministry of Health's Assistive Devices Program (ADP) for a semi-annual payment of $300 for the medical supplies he required after ostomy surgery. His application was turned down because of an error. By the time the form was returned to the hospital, the error corrected and the form returned, many months had passed. The ADP refused him his $300 cheque for the first six months of the year, telling him his application could not be "backdated."

The man appealed for help to the OHIP office in Kingston, but because he mistakenly addressed his letter to the "Ombudsman at the Ministry of Health," it was sent back. By the time he reached the Ontario Ombudsman, almost a year had elapsed since his surgery and he was in danger of missing his second $300 payment. The Ombudsman's Office contacted a manager at the ADP who reviewed the man's case and agreed to pay him the full $600 to which he was entitled.

Some Things Just Can't Wait

Within a month of being diagnosed with multiple sclerosis, a woman contacted the Ombudsman's Office because she was worried about getting funding for medication she would need. Her doctor had applied to the Ministry of Health's Individual Clinical Review process and she had received an e-mail indicating it was approved. The e-mail also suggested she inform the Trillium Drug Program about the approval, because it would be the agency responsible for reimbursing her drug costs. When she did so, staff at the Trillium program were unable to provide her with any information about the status of her application, stating it would take seven weeks to be entered into their computer system.

The Ombudsman's Office contacted the Trillium program, noting that funding for the drug had been approved by the Individual Clinical Review process, and explained that the woman needed her medication as soon as possible. Trillium staff agreed to review the status of her file and discovered information was missing from her application. The omission was corrected and her file updated so that she would receive the necessary funding and not encounter any future problems.

Every Bit Helps

A social worker contacted the Ombudsman's Office on behalf of a patient who had had part of one leg amputated, and needed hemodialysis treatments three times a week at a local hospital. The patient received Canada Pension Plan Disability benefits and his municipality subsidized his accommodation in a retirement home. Still, after he paid his monthly accommodation fees, he had $116 left for all his other expenses, out of which he had to pay $96 a month to a community-based agency for transportation to his hemodialysis treatments. He also had to pay an annual deductible for drugs through the Ministry of Health's Trillium Drug Program.

The Ombudsman's Office contacted the Ministry to see what help could be provided for this desperate patient. A Ministry consultant arranged that he would no longer have to pay the agency, which also received some Ministry funding, for transportation. In addition, the Trillium Drug Program agreed to review the man's file and extend him retroactive benefits for three months of the 2005 benefit year, as well as allowing his social worker to submit some past medication receipts for reimbursement. The social worker advised the Ombudsman's Office that these extra funds were greatly appreciated as they would allow the patient to pay a large outstanding pharmacy debt.

Keeping Up Appearances

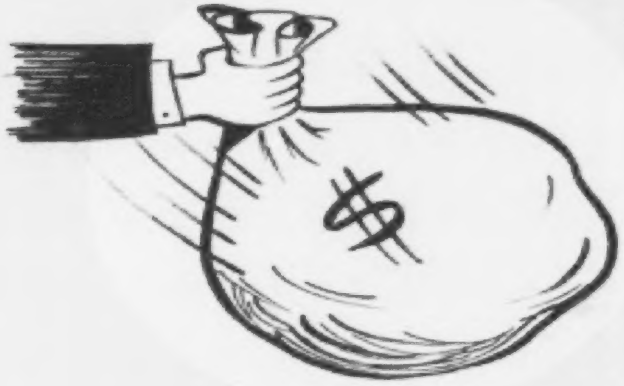
The president of a company that manufactures outerwear complained about the fairness of the Ministry's tendering process for $2.5 million worth of outdoor patrol wear, primarily for the Ontario Provincial Police (OPP). Among his concerns was that some of the tender specifications regarding the outer fabric layer of the patrol jacket were not justified – he alleged the OPP were using these requirements to target a specific company to make the jackets. His proposal and others were rejected because they could not meet the specified fabric warp and weft requirements.

The Ministry appointed a "fairness commissioner" whose review found the process fair. OPP officials claimed that the warp and weft requirements had been chosen for greater stability and durability of the fabric, noting that their old jackets left officers feeling wet and cold. They also asserted that a textile consultant had been consulted in developing the tender specifications. The Ombudsman's investigation revealed the OPP had no documentation or reasonable explanation regarding the selection of the warp and weft requirements, that the textile consultant had not actually been involved in the development of the specification, and in fact had questioned it. In addition, it appeared that the fairness commissioner's assessment had been based on inaccurate information.

The Ombudsman concluded that although he was not satisfied that the Ministry and the OPP had selected this criteria in order to target a specific vendor, the integrity and the fairness of the process had been compromised. He recommended the OPP ensure a clear, objective rationale is documented for standards for clothing procurement in future. He also recommended that the Ministry ensure the rationale for such standards is clear, objective, defensible and documented, and that it improve the way it responds to such complaints. Both the Ministry and OPP accepted the recommendations.

A "Grand" Error

An elderly couple took on the responsibility of caring for their young grandchildren following the death of their daughter in April 2000. In November 2000, a court order gave custody of the children to their father and ordered that the grandparents pay him $609 per month from money held by them in trust for the children's support. The couple made the payments through the Family Responsibility Office (FRO) until a second court order terminated the payments in February 2001. FRO staff received a copy of this order, but did not register it in their records. As a result, in March 2005, the FRO identified the grandparents as owing $26,964.47 in support arrears and attempted to garnishee their Old Age Security and Canada Pension Plan benefits and their income tax refund. By the time the grandparents realized what had occurred, $4,707 had been wrongly taken from them. The FRO agreed to stop garnisheeing their income but refused to refund the money, saying they should collect it from the children's father.



Contacted by the Ombudsman's Office, the FRO acknowledged its mistake and agreed to repay all of the money it had wrongly taken from the grandparents.

Too Little, Too Late

A woman entitled to $500 a month in support who had received nothing in six months complained to the Ombudsman about the FRO's lax enforcement of support orders. FRO officials responded that a support deduction notice and writ of seizure on her ex-spouse's property were in place but because the man was self-employed, he had been allowed to make an agreement to make voluntary payments. Given that he had reneged on the agreement, the FRO agreed to take action to suspend his driver's license.

Two months later, the woman complained to the Ombudsman that FRO staff had not followed up on their promise. They advised that because the man had sent in $200 towards his support debt, they had decided to give him another chance. The woman argued that he had a history of using the tactic of making one small payment to get the FRO off his back, then failing to pay again.

The Ombudsman's Office explained the situation to FRO officials, who agreed to act immediately to reinstate support deduction notices and suspend the man's license as a means of forcing him to pay the overdue support.

Time to Pay Up

A mother who had not received any child support payments complained that the FRO was not doing enough to collect them. An attempt to get the delinquent support payor into court failed when he managed to evade being served with court documents. After the Ombudsman's Office inquired into the case, the FRO ensured the man was served with the papers, the court granted a warrant of committal requiring his imprisonment, and he paid $15,000 in outstanding child support.

In August 2006, the woman sent the Ombudsman a personal note to thank him for publicly reporting on another case where he found that the FRO had failed to meet its enforcement obligations. She wrote: "I wish to thank the Ontario Ombudsman for addressing this egregious assault on the most vulnerable members of our society; the children. Child neglect is a crime. Failure to provide court-ordered child support is neglect. It is high time our government took effective measures to convey the message that it will be treated as such. "

MINISTRY OF NATURAL RESOURCES

Slow to Take the Bait

Two members of a Métis family had been writing to the Ministry of Natural Resources for more than six years, requesting an exemption from and a reimbursement of the payment of commercial fishing royalties, based on their aboriginal status. They hoped the money refunded could help support their elderly mother, but complained their requests had been denied while other Métis had received similar reimbursements.

Ombudsman staff contacted senior Ministry officials who advised that exemptions from paying commercial fishing royalties based on aboriginal status had been granted on an ad hoc basis at the local level until 2003. It had since been decided that until a policy framework was developed for such exemptions, no further requests or refunds would be considered, but it offered no timeline.

The Ombudsman's Office began an investigation into the family's request and the Ministry's delay in instituting a policy framework. The Ministry agreed to resolve the complaint by extending the exemption to the family pending the development of a formal framework, and refunding them $20,335 in royalties. It also undertook to extend exemptions and grant refunds to two other individuals who had been similarly denied. One of the complainants wrote to express gratitude for the Ombudsman's assistance: "You cannot imagine what it means to my family."

Saved From the Street

A woman with significant mental health problems was at risk of having her ODSP benefits cut off because she refused to meet with program staff. She had received an eviction notice and was on the verge of becoming homeless. The Ombudsman's Office explained to ODSP staff that the complainant had special needs and was unable to fully understand the consequences of refusing to meet with ODSP staff. The ODSP agreed to waive the requirement for a meeting, reinstated the woman's benefits and arranged to pay her rent directly to her landlord in order to save her from being evicted.

Food for Thought

A mother of three who has multiple sclerosis complained to the Ombudsman that her special ODSP diet allowance, which had allowed her to be on a high-protein diet, had been cut from $250 per month to $20 per month in April 2006, following changes to the Ministry's eligibility requirements. She could no longer afford the daily protein products she needed and had lost 12 pounds in six months – a particular problem for her because she was on medication that had to be injected daily into an area of body fat. Her weight loss meant she was unable to rotate injection sites and was forced to take all her injections in her stomach, which had become sore and tender. She also reported feeling light-headed and weak and told the Ombudsman: "I worry because of my children ... I'm all they have."

Contacted by the Ombudsman's Office, ODSP staff agreed to review the file and determined the woman was entitled to benefits for a high-protein diet but her doctor had not checked off the appropriate section of the form. The local ODSP manager met with her and her doctor to complete a new application, and her $250 special diet allowance was restored.

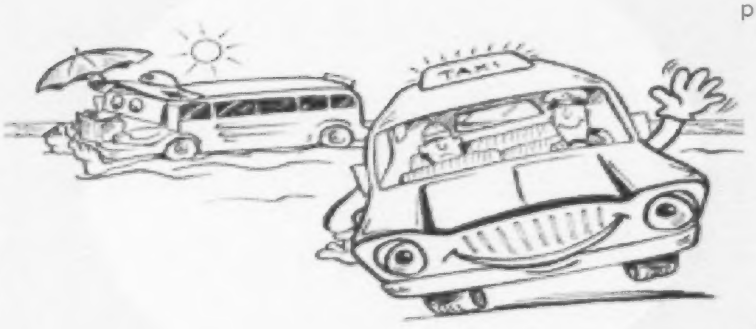
"I worry because of my children ...
I'm all they have."

– COMPLAINANT

SPECIAL-NEEDS CHILDREN

Summertime Blues

A single mother of an autistic teen contacted the Ombudsman's Office out of frustration after she tried to obtain funding for summer transportation for her son to a specialized treatment centre about 50 kilometres away. The family's regional school board provided transportation during the school year, but in summer the mother's only recourse had been to pay thousands of dollars in taxi fares.



The Ministry of Education indicated that school boards are not required to fund transportation for children attending programs outside of their local area. The Ministry of Children and Youth Services suggested the woman use her Special Services at Home Program funds to pay for her son's transportation needs – money she had planned to use for respite care. Finally, through a regional Ministry office and the family's case worker at a community service agency, additional money was found for them through the agency's critical services fund.

ADMINISTRATIVE TRIBUNALS

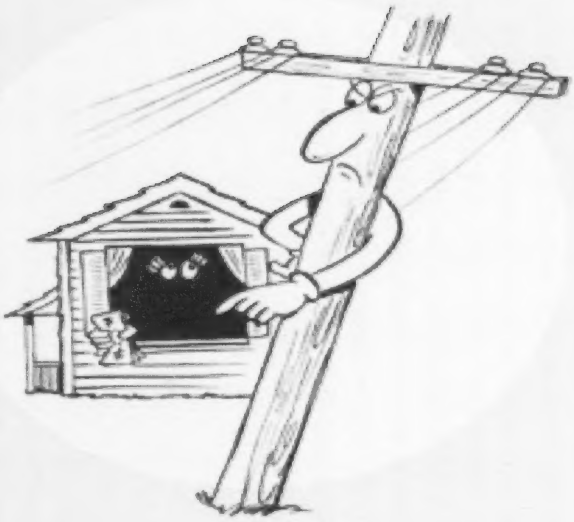
An Appealing Change

The owners of a show dog blamed the dog's premature death on a veterinarian. They complained to the College of Veterinarians of Ontario and, dissatisfied with the College's decision, appealed to the Health Professions Appeal and Review Board. They then complained to the Review Board's Chair that the Vice-Chair who had presided over their hearing had given them a "tongue-lashing," repeatedly interrupted them and lacked knowledge of the case. The Chair passed the complaint on to the panel which had heard the case, including the Vice-Chair, for reply. In its decision, the panel wrote that the dog owners' allegations of unfair treatment at the hearing were unfounded.

The dog owners complained to the Ombudsman. By this time, the Review Board had a new Chair, who expressed concern about the way the complaint had been handled. She noted that since her appointment she has adopted principles of fairness, openness and accountability in all dealings before the board, and made it clear that members are expected to show courtesy and respect for the public. She advised the Ombudsman's Office that when a complaint about the conduct of a board member is raised, it is investigated by her, independent of the hearing process. The Chair also sent a letter of apology to the dog owners, expressing her "deepest apologies for the manner in which it appears you were treated during what must have been a very difficult time."

HYDRO ONE

Powerful Compromise



A recipient of Ontario Disability Support Program benefits had accumulated an outstanding Hydro bill of $1,947. When she came to the Ombudsman for help at the end of October 2006, she had been given a deadline of mid-November to pay the bill plus all arrears, which she was unable to do, given her limited income. The Ombudsman's Office contacted Hydro One and explained the woman's circumstances. After a number of discussions with her and the Office, Hydro One ultimately agreed to let the woman pay her debt at a rate of $350/month.

OFFICE OF THE REGISTRAR GENERAL

And Your Name is...?

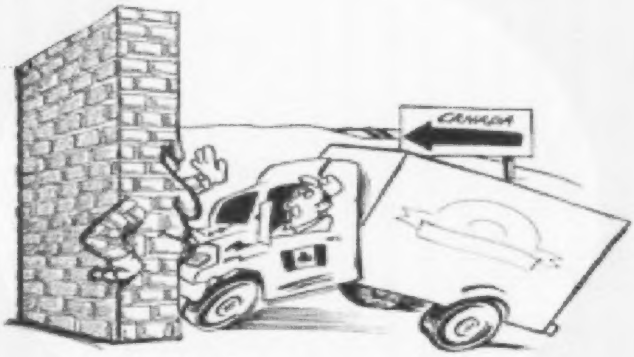
A man who had been trying for nine months to have his surname changed through the Office of the Registrar General contacted the Ombudsman in frustration. The Registrar General's staff would not process the name change because they said the man's spelling of his middle name did not match the spelling in their records.

In response to the Ombudsman's inquiries, the Registrar's office advised that in 1978, the man's mother had submitted a request to change his middle name. The man insisted the middle name in the Registrar's records was wrong – it was a female name, and his mother would not have made such a request. The Registrar's staff said the only way to change this was for the man to submit a new name change request, identifying himself by the (female) name that appeared in its records. The man refused.

The Ombudsman's Office asked the Registrar's staff to review their records from 1978. After weeks of searching, they confirmed that an error had been made at that time and his birth registration had been incorrectly changed to show a female middle name. As a result, he was provided with a new birth certificate and change-of-name certificate, as well as a letter of apology for the error and the frustration he experienced.

MINISTRY OF TRANSPORTATION

Driven to Distraction



A man who had recently moved to Ontario from the U.S. kept hitting a brick wall in trying to obtain a driver's licence, despite 40 years' driving experience. The Ministry of Transportation advised him that the papers he had produced from the U.S. did not provide enough information about his driving history. The man complained to the Ombudsman, as he needed a licence to drive to work and take his children to school.

The Ombudsman's Office contacted staff at the Ministry of Transportation's Special Inquiry Unit and learned that they had attempted to contact the Department of Motor Vehicles (DMV) in the man's home state, but were unable to speak to anyone who could help. The Ombudsman's Office managed to contact the state DMV, which agreed to fax a letter confirming the driver's history. The Ministry of Transportation issued him a licence backdated to 2001, reflecting his U.S. driving record.

MINISTRY OF CORRECTIONAL SERVICES

Harsh "Scent"-ence

A female inmate in a correctional facility complained to the Ombudsman's Office that she and other prisoners were being exposed to raw sewage. She claimed that correctional officers had been given protective masks to wear, but not the inmates.

The Ombudsman's Office contacted the Acting Superintendent of the jail, who explained that the private company that pumped out its septic tank each week had accidentally pumped sewage in, causing up to two inches of sewage to flow into the jail's basement. When made aware of the inmates' concerns, he agreed to ensure that they were given masks, and indicated steps were being taken to correct the sewage problem immediately. He added that they would do their best not to place any new inmates in the affected unit until the problem was resolved.

Last-Minute Test

A student nurse had almost reached her graduation day after two years at a community college when she, along with 35 other students, received an e-mail from the college registrar telling them to pay an extra tuition fee of $527.10 – or they would not get their diplomas. Like most students, she was struggling to make ends meet. The extra tuition fee was deducted from her Ontario Student Assistance Program cheque, leaving her only $285 to live on.

The Ombudsman's Office contacted the Finance Unit of the Colleges Branch of the Ministry of Training, Colleges and Universities. It was ultimately determined that the college had violated the Ministry's tuition fee policy, as the students were not advised of the fee change before the start of their academic year. The college agreed that the nursing students should not have to pay the extra fee.

Refund Relief

A woman paid more than $7,500 in tuition to a community college on behalf of her niece, who was coming from abroad to study in Ontario. When the niece was unable to obtain a student visa, the college would not refund the tuition money without a letter confirming the visa had been denied. The aunt was worried she would not be able to obtain the letter because mail service in her niece's home country was unreliable.

The Ombudsman's Office contacted the college regarding its refund policy, which was not publicly available on the college's website. The Office contacted a director at the college who agreed to refund the woman $7,000, with an additional $300 to be refunded if the visa denial letter was obtained. The Director also agreed to put more information on the college's website about its refund policy.

Your Feedback

"While in the short-term perspective (the Ombudsman) can present us with some real challenges, the fact of the matter is that this stuff needs to be brought into the light of day ... It's great to have a guy like this who is nipping at our heels on a regular basis. He forces us to move. I think that serves the public interest."

PREMIER DALTON MCGUINTY,
as quoted in the National Post, March 28, 2007

"A week to the day since the phone call from the Deputy Minister of Health ... and I am still smiling. The unbelievable occurred. André Marin, Ombudsman for Ontario, compiled a thorough investigation into my case with OHIP. Due to his findings and recommendations, the Ministry of Health agreed to reimburse my full medical and legal costs and implement changes to the Out of Country coverage application process ... Here's to good news and a step in the right direction!"

SUZANNE AUCOIN,
from her blog, Feb. 7, 2007

"Thank you for your Annual Report for the 2005-06 fiscal year. I especially appreciated your comments on 'humanizing' government and the need to look beyond the obvious rules in order to meet people's needs in a meaningful way ... Your report was timely in that it reaffirmed for my constituency staff that we must always stay focused and pursue the best outcome for our consitutents. My staff has read your report cover to cover. We are all encouraged by the progress of your office and offer our thanks to you and your staff for a job well done."

LEONA DOMBROWSKY,
MPP, Hastings-Frontenac-Lennox & Addington
Minister of Agriculture, Food and Rural Affairs

"In my view, in light of the excellent report that the Ombudsman presented in respect of the Municipal Property Assessment Corporation, I was able to secure a successful appeal of the exorbitant assessment that was placed on my property, and the assessment was appropriately revised, two days prior to my going to the appeal hearing for the Assessment Review Board."

COMPLAINANT

"Thank you so much for expediting and resolving the problems I experienced in obtaining a birth certificate for my son ... It is unbelievable that a citizen should experience such distress in dealing with what should be such a simple, quick and painless transaction. Your intervention made all the difference."

COMPLAINANT

YOUR FEEDBACK

"I ... wish to acknowledge and applaud the news release today and the results achieved by the Ombudsman's investigation into the crisis facing our children of Ontario soldiers serving in Afghanistan. It is with pride that I can witness the support and compassion our governments will commit to our innocent children, victims as a result of our country's commitment to provide assistance to other communities in crisis throughout the world."

COMPLAINANT

"Thank you again for your efforts in ending the 17-year remuneration freeze in September 2006. The revised remuneration scheme should ensure that better-qualified candidates will now apply for positions in the administrative justice system in Ontario."

IAN J. STRACHAN,
Chair, Workplace Safety and Insurance Appeals Tribunal

ODSP INVESTIGATION

"Thank you so much for taking on this issue and for exposing what has been happening. People on ODSP have very little in the way of a voice, often having reached the bottom by the time money does start to come in. Hardly enough left to fight the strangling red tape of a government agency. Thank you, thank you, thank you!"

COMPLAINANT

"I have received and read the report *Losing the Waiting Game*, and consider your proposed amendments/alterations to the Ontario Disability Support Program as succinct and accurate ... I would like to take the opportunity to thank you and your staff for the care and consideration I received when I was at a very low point during the adjudication process."

COMPLAINANT

FAMILY RESPONSIBILITY OFFICE COMPLAINTS

"Thank you for taking on my case and helping me to secure my children's family support that is owing to them. I would not have gotten this far in my dealing with the courts without your intervention."

COMPLAINANT

"The response and assistance I received from your office was outstanding. My child support has been reinstated, all outstanding orders have been updated with FRO, and I have been advised that the arrears will be forthcoming."

COMPLAINANT

"Without the intervention of your office, I would be in a very difficult situation. Thank you once again for your assistance; I am deeply grateful for the services you provide."

COMPLAINANT

CICB INVESTIGATION

"We are impressed with both the report and the investigation process. The issues raised in your report are relevant to all adjudicative agencies."

CHISANGA PUTA-CHEKWE
Chair, Social Benefits Tribunal

"I was really quite vindicated and thrilled by the report ... It was such a relief that you were doing the investigation and finally some light was being shed on what was happening there."

FORMER CICB EMPLOYEE

CICB INVESTIGATION

"I would like to extend my deepest gratitude for your honourable efforts to expose the illegitimate practices of the Criminal Injuries Compensation Board and the Ministry of the Attorney General, and for pushing them to be a more efficient and respectable government institution ... Thank you again, for doing such a commendable and excellent job sticking up for the misrepresented."

COMPLAINANT

"Thanks for the commitment and professionalism you and your team bring to your work. Fighting for change is hard work at the best of times and to have an office like yours respond to calls for help, well...I can't overstate the impact it has."

JOHN MUISE
Director of Public Safety, Canadian Centre for Abuse Awareness

"Finally! I have been waiting for something to happen about the Criminal Injuries Compensation Board for years. I have been reading your report and congratulate you on it ... Thank you for exposing the system for what it is: A bureaucratic nightmare!"

COMPLAINANT

"On behalf of all victims of crime in Ontario, I wish to extend my heartfelt thanks and appreciation for the thorough and professional investigation and report prepared by your office ...The report entitled *Adding Insult to Injury* has given hope to many and those that were unable to come forward have now been given a voice."

JOE WAMBACK
Board Chair, Canadian Crime Victim Foundation

YOUR FEEDBACK

OLG INVESTIGATION

"I am very pleased to see how the Ombudsman's Office has been able to catalyze change at the OLG ... I have some insight into how complicated this investigation was, and think that the final report does a marvellous job of covering a lot of different, inter-related aspects of lottery fraud and security. Above all, I think the report does a good job of giving voice to the frustrations of many people who have had a visceral, impassioned sense that things were not being run fairly ...When complaints are heard, when the sense of unfairness is given a very public voice, both the government and the governed benefit. This is the best of what an Ombudsman can do."

MOHAN SRIVASTAVA
Statistician

"I thought your report was bang on, as always, courageously written and yet another argument for the importance of your office ... On behalf of all journalists, and all Ontarians, thank you for making a difference."

CBC JOURNALIST

"Thank you for the job well done on the OLG! Your office is doing a great job in so many areas on 'our' behalf."

COMPLAINANT

IN THE MEDIA

"Three cheers for Mr. Marin, a government watchdog who actually watches, and what's more, really barks."

REX MURPHY
The National (CBC-TV), March 27, 2007

"(Mr.) Marin should be lauded for defending all Ontarians and for standing up to the government and bureaucracy and telling them they are wrong. Let's hope he can keep up the good fight."

LINDSAY DAILY POST
Editorial on ODSP, Aug. 30, 2006

"As he's done with everything from disease screening for babies to Children's Aid Society bungling to wildly out-of-whack property assessments, Marin (who, in our view should be given greater jurisdictional powers), has cut to the chase."

TORONTO SUN
Editorial on FRO, Aug. 11, 2006

"The 69-page report on Ontario's lottery corporation by provincial Ombudsman André Marin should be required reading at Gamblers Anonymous meetings. It could help addicts swear off government lotteries forever."

GLOBE AND MAIL
Editorial on OLG, March 27, 2007

"André Marin, Ontario's ombudsman, has developed a reputation for not pulling punches and for standing up for the common man in the face of institutional injustice. It has reached the point that when Marin talks, government agencies quiver in fear of what will be revealed."

CORNWALL STANDARD-FREEHOLDER
Editorial on OLG, March 20, 2007

YOUR FEEDBACK

APPENDIX 1:

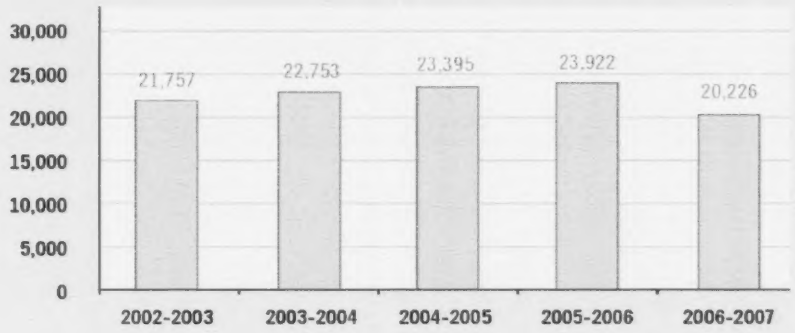
Statistical Overview of Complaints and Trends

During 2006-2007, the Office received 20,226 complaints and inquiries, representing a decrease of 3,696 from the previous year. This decrease is attributable to a number of factors, including efforts to standardize how complaints are entered into the office's case management system and the spike in complaints and inquires related to the Municipal Property Assessment Corporation in 2005-2006 (there were nearly 4,000, compared to 916 this year). Complaints about correctional services also declined to 4,175 from 6,299 the previous year, as efforts continued to encourage inmates to use internal complaints avenues to resolve their problems before bringing them to the Ombudsman.

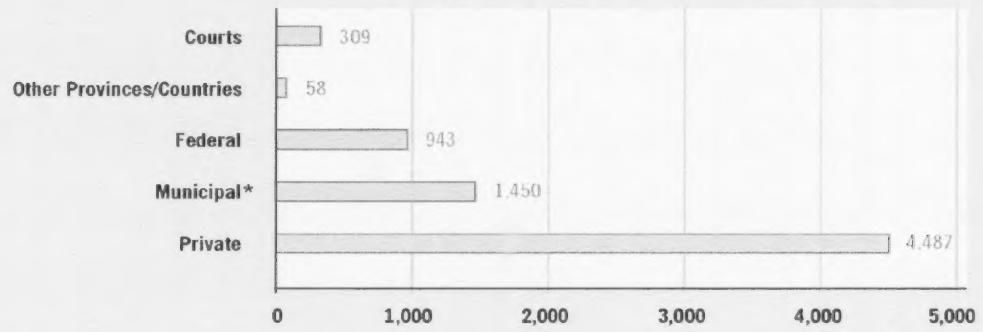
Overall, 12,979 complaints and inquiries were deemed to be related to provincial government organizations and thus within the Ombudsman's jurisdiction, while 7,247 related to areas outside of the Ombudsman's mandate. The way in which complaints were received remained relatively consistent, with 69% being received by phone, 16% by letter or fax and 14% by e-mail and Internet.

The Office closed a total of 20,039 cases in 2006-2007, including 12,828 which were deemed within the Ombudsman's jurisdiction and 7,211 which fell outside his mandate. The following charts offer an overview of the types of complaints and inquiries received, their origins and how they were handled.

Total Complaints and Inquiries Received
Fiscal Years 2002-2003 to 2006-2007

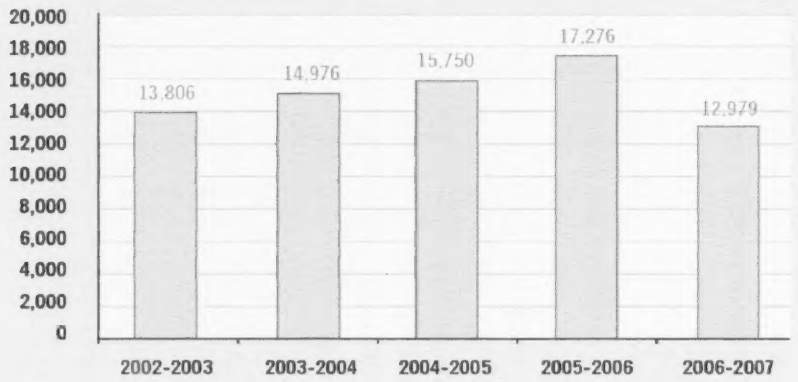


Non-Jurisdictional Complaints and Inquiries Received 2006-2007

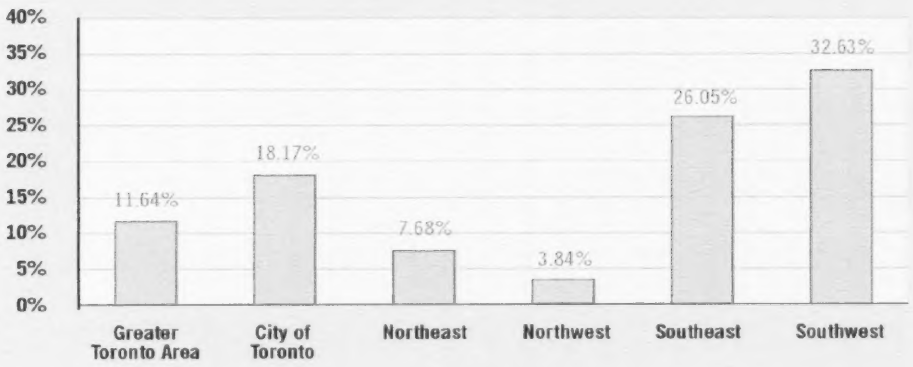


** Includes complaints and inquiries about municipalities, school boards and police.*

Complaints and Inquiries Received About Provincial Government Organizations Fiscal Years 2002-2003 to 2006-2007

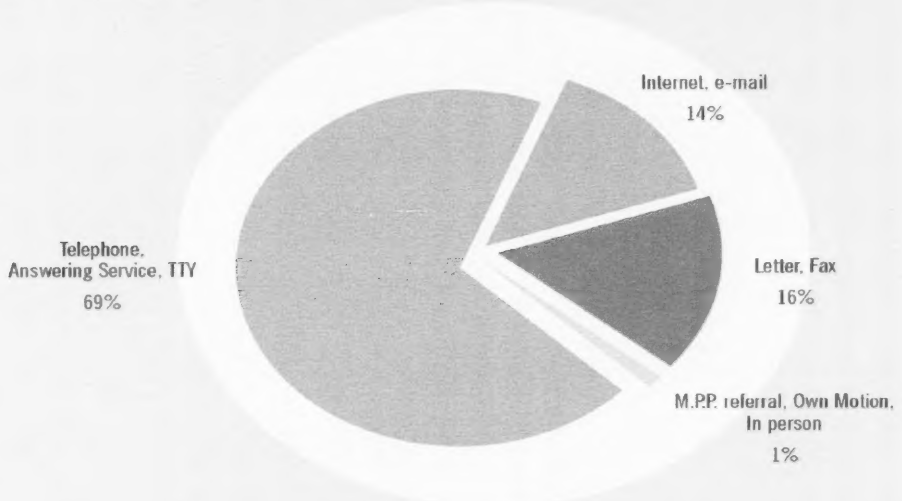


Regional Distribution of Complainants
2006-2007



Greater Toronto Area: Bounded by Oakville, Lake Simcoe and Oshawa, but excluding the City of Toronto
City of Toronto: Bounded by Etobicoke, Steeles Avenue and Scarborough
Southwest: Bounded by the GTA, Barrie and Penetanguishene
Southeast: Bounded by GTA, Penetanguishene and Ottawa
Northeast: Bounded by Ottawa, Penetanguishene and Marathon north to Hudson's Bay
Northwest: West of the Marathon/Hudson's Bay boundary

How Complaints and Inquiries Were Received
2006-2007



APPENDIX 1

APPENDIX 1

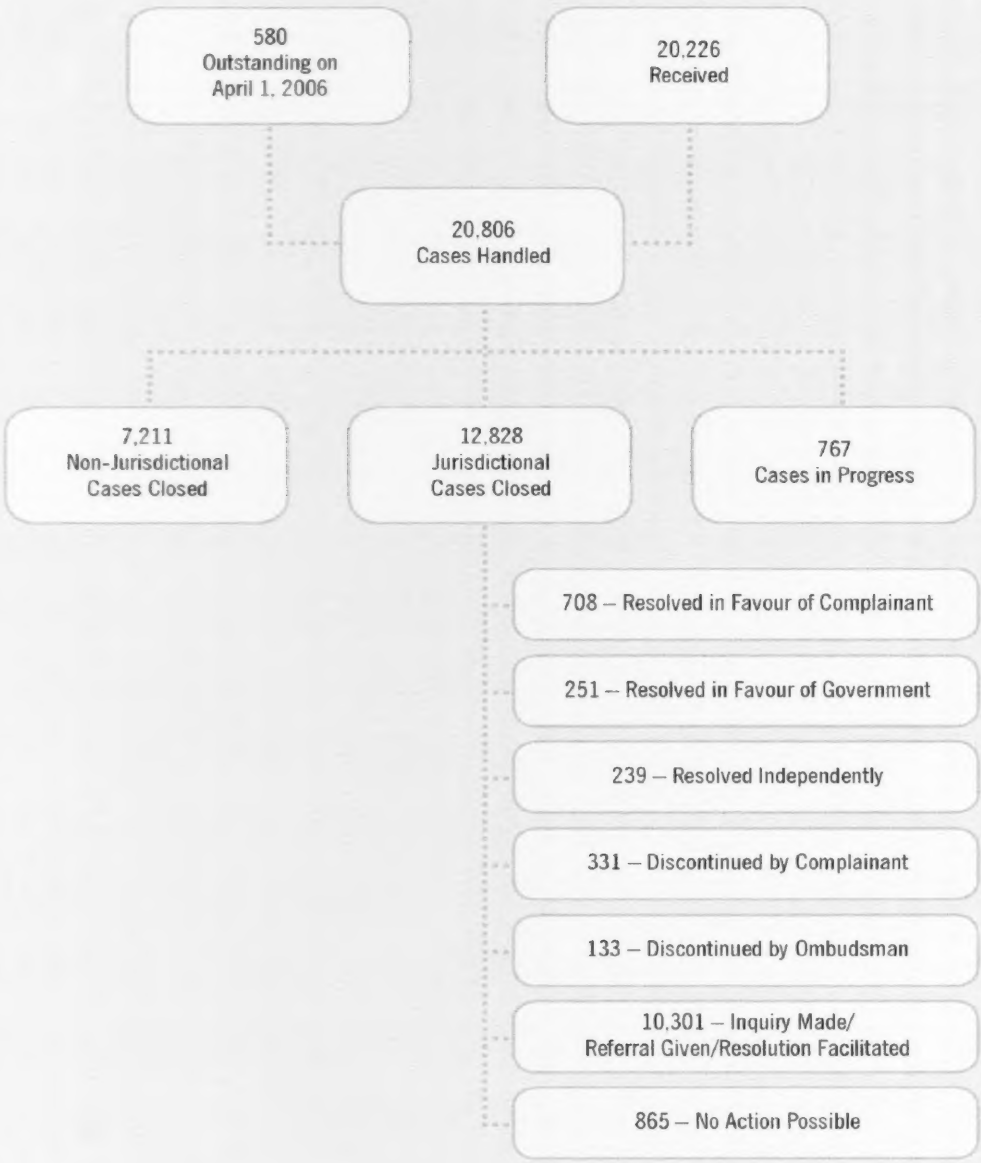
Top 20 Provincial Government Organizations and Programs Complained About in 2006-2007

	Organization/ Program	Number of Complaints and Inquiries	Percentage of Provincial Complaints and Inquiries
1	ONTARIO DISABILITY SUPPORT PROGRAM	1089	8.39%
2	FAMILY RESPONSIBILITY OFFICE	992	7.64%
3	MUNICIPAL PROPERTY ASSESSMENT CORPORATION	916	7.06%
4	CENTRAL NORTH CORRECTIONAL CENTRE	703	5.42%
5	WORKPLACE SAFETY AND INSURANCE BOARD	669	5.15%
6	REGISTRAR GENERAL	545	4.20%
7	ONTARIO LOTTERY AND GAMING CORPORATION	539	4.15%
8	CENTRAL EAST CORRECTIONAL CENTRE	492	3.79%
9	MAPLEHURST CORRECTIONAL COMPLEX	451	3.47%
10	TORONTO WEST DETENTION CENTRE	318	2.45%
11	OTTAWA-CARLETON DETENTION CENTRE	284	2.19%
12	DRIVER LICENSING	253	1.95%
13	TORONTO JAIL	204	1.57%
14	WORKPLACE SAFETY AND INSURANCE APPEALS TRIBUNAL	203	1.56%
15	CRIMINAL INJURIES COMPENSATION BOARD	192	1.48%
16	HYDRO ONE NETWORKS INC.	192	1.48%
17	VANIER CENTRE FOR WOMEN	189	1.46%
18	ONTARIO HEALTH INSURANCE PLAN	171	1.32%
19	ONTARIO STUDENT ASSISTANCE PROGRAM	162	1.25%
20	LEGAL AID ONTARIO	154	1.19%

Most Common Types of Complaints Investigated 2006-2007

1	Adverse impact or discriminatory consequence of a decision or policy on an individual or group
2	Unreasonable delay
3	Denial of service
4	Failure to adequately or appropriately communicate with a client
5	Wrong or unreasonable interpretation of criteria, standards, guidelines, regulations, laws information or evidence
6	Failure of governmental organization to adhere to own processes, guidelines or policies or to apply them in a consistent manner
7	Insufficient reasons for a decision or no reasons given
8	Inadequate or improper investigation was conducted
9	Omission to monitor or manage an agency for which the governmental organization is responsible
10	Harrassment by a governmental official; bias; mismanagement; bad faith
11	Failure to provide sufficient or proper notice
12	Unfair settlement imposed
13	Failure to keep a proper record

Disposition of Complaints and Inquiries 2006-2007



APPENDIX 1

Total Complaints and Inquiries Received 2006-2007 for Provincial Government Ministries and Selected Organizations*

Ministry	Selected Organizations	Organization Total	Ministry Total
MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS			19
MINISTRY OF THE ATTORNEY GENERAL			861
	ASSESSMENT REVIEW BOARD	105	
	CHILDREN'S LAWYER	28	
	CRIMINAL INJURIES COMPENSATION BOARD	192	
	LEGAL AID ONTARIO	154	
	ONTARIO HUMAN RIGHTS COMMISSION	137	
	ONTARIO MUNICIPAL BOARD	21	
	PUBLIC GUARDIAN AND TRUSTEE	115	
	SPECIAL INVESTIGATIONS UNIT	13	
MINISTRY OF CHILDREN AND YOUTH SERVICES			153
	SPECIAL NEEDS PROGRAMS - CHILDREN	22	
MINISTRY OF CITIZENSHIP AND IMMIGRATION			3
MINISTRY OF COMMUNITY AND SOCIAL SERVICES			2277
	FAMILY RESPONSIBILITY OFFICE	992	
	ONTARIO DISABILITY SUPPORT PROGRAM	1089	
	SOCIAL BENEFITS TRIBUNAL	66	
	SPECIAL NEEDS PROGRAMS - ADULT	19	
MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES			4371
	CORRECTIONAL CENTRES, DETENTION CENTRES, JAILS	4175	
	OFFICE OF THE CHIEF CORONER	16	
	ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES	22	
	ONTARIO PROVINCIAL POLICE	49	
	PROBATION AND PAROLE SERVICES	22	
MINISTRY OF CULTURE			3
MINISTER RESPONSIBLE FOR DEMOCRATIC RENEWAL			1
MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE			6
MINISTRY OF EDUCATION			64
MINISTRY OF ENERGY			237
	HYDRO ONE NETWORKS INC.	192	
	ONTARIO ENERGY BOARD	28	
MINISTRY OF THE ENVIRONMENT			63
MINISTRY OF FINANCE			1082
	FINANCIAL SERVICES COMMISSION	51	
	MUNICIPAL PROPERTY ASSESSMENT CORPORATION	916	
MINISTER RESPONSIBLE FOR FRANCOPHONE AFFAIRS			1

Total Complaints and Inquiries Received 2006-2007 for Provincial Government Ministries and Selected Organizations*

Ministry	Selected Organizations	Organization Total	Ministry Total
MINISTRY OF GOVERNMENT SERVICES			677
	ALCOHOL AND GAMING COMMISSION OF ONTARIO	26	
	LAND REGISTRY/TITLES	15	
	REGISTRAR GENERAL	545	
MINISTRY OF HEALTH AND LONG-TERM CARE			645
	ASSISTIVE DEVICES / HOME OXYGEN PROGRAMS	26	
	COMMUNITY CARE ACCESS CENTRE	47	
	DRUG PROGRAMS BRANCH	134	
	HEALTH PROFESSIONS APPEAL AND REVIEW BOARD	29	
	HEALTH SERVICES APPEAL AND REVIEW BOARD	13	
	NORTHERN HEALTH TRAVEL GRANT	14	
	ONTARIO HEALTH INSURANCE PLAN	171	
MINISTRY OF LABOUR			1019
	EMPLOYMENT PRACTICES BRANCH	43	
	ONTARIO LABOUR RELATIONS BOARD	37	
	WORKPLACE SAFETY AND INSURANCE APPEALS TRIBUNAL	203	
	WORKPLACE SAFETY AND INSURANCE BOARD	669	
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING			210
	LANDLORD AND TENANT BOARD / ONTARIO RENTAL HOUSING TRIBUNAL	132	
	ONTARIO MUNICIPAL EMPLOYEES RETIREMENT BOARD	12	
MINISTRY OF NATURAL RESOURCES			84
MINISTRY OF NORTHERN DEVELOPMENT AND MINES			11
MINISTRY OF PUBLIC INFRASTRUCTURE RENEWAL			552
	ONTARIO LOTTERY AND GAMING CORPORATION	539	
MINISTER RESPONSIBLE FOR SENIORS			3
MINISTRY OF TOURISM			1
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES			243
	COLLEGES OF APPLIED ARTS AND TECHNOLOGY	50	
	ONTARIO STUDENT ASSISTANCE PROGRAM	162	
MINISTRY OF TRANSPORTATION			357
	DRIVER LICENSING	253	
	VEHICLE LICENSING	32	
ONTARIO GOVERNMENT OTHER			36

**Total figures are reported for each provincial government ministry including all agencies and programs falling within its portfolio. Each government agency or program receiving 10 or more complaints and inquiries is also indicated.*

APPENDIX 1

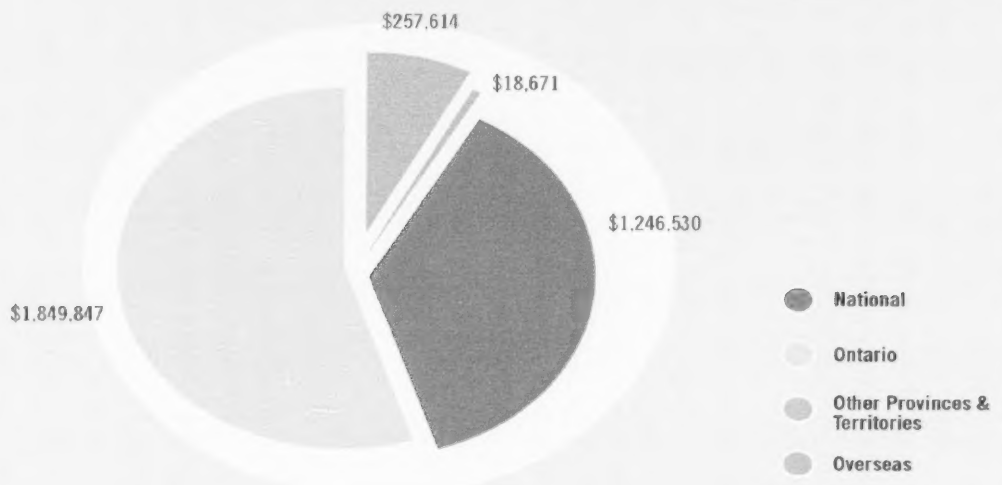
Complaints and Inquiries Received 2006-2007 by Provincial Riding*

Algoma - Manitoulin	228	Nickel Belt	102
Ancaster - Dundas - Flamborough - Aldershot	105	Nipissing	270
Barrie - Simcoe - Bradford	238	Northumberland	142
Beaches - East York	118	Oak Ridges	137
Bramalea - Gore - Malton - Springdale	80	Oakville	102
Brampton Centre	102	Oshawa	153
Brampton West - Mississauga	136	Ottawa Centre	142
Brant	122	Ottawa - Orléans	341
Bruce - Grey - Owen Sound	231	Ottawa South	78
Burlington	103	Ottawa - Vanier	96
Cambridge	99	Ottawa West - Nepean	106
Chatham - Kent - Essex	134	Oxford	80
Davenport	91	Parkdale - High Park	121
Don Valley East	73	Parry Sound - Muskoka	162
Don Valley West	96	Perth - Middlesex	112
Dufferin - Peel - Wellington - Grey	115	Peterborough	134
Durham	107	Pickering - Ajax - Uxbridge	121
Eglinton - Lawrence	122	Prince Edward - Hastings	143
Elgin - Middlesex - London	269	Renfrew - Nipissing - Pembroke	87
Erie - Lincoln	86	Sarnia - Lambton	209
Essex	127	Sault Ste. Marie	310
Etobicoke Centre	77	Scarborough - Agincourt	51
Etobicoke - Lakeshore	145	Scarborough Centre	113
Etobicoke North	407	Scarborough East	104
Glengarry - Prescott - Russell	79	Scarborough - Rouge River	57
Guelph - Wellington	144	Scarborough Southwest	208
Haldimand - Norfolk - Brant	114	Simcoe - Grey	135
Haliburton - Victoria - Brock	638	Simcoe North	887
Halton	745	St. Catharines	112
Hamilton East	105	St. Paul's	101
Hamilton Mountain	98	Stoney Creek	89
Hamilton West	281	Stormont - Dundas - Charlottenburgh	88
Hastings - Frontenac - Lennox and Addington	327	Sudbury	230
Huron - Bruce	133	Thornhill	77
Kenora - Rainy River	194	Thunder Bay - Atikokan	169
Kingston and The Islands	251	Thunder Bay - Superior North	211
Kitchener Centre	87	Timiskaming - Cochrane	237
Kitchener - Waterloo	115	Timmins - James Bay	136
Lambton - Kent - Middlesex	112	Toronto Centre - Rosedale	307
Lanark - Carleton	151	Toronto - Danforth	325
Leeds - Grenville	202	Trinity - Spadina	171
London - Fanshawe	139	Vaughan - King - Aurora	105
London North Centre	148	Waterloo - Wellington	91
London West	118	Whitby - Ajax	121
Markham	67	Willowdale	113
Mississauga Centre	58	Windsor - St. Clair	90
Mississauga East	71	Windsor West	236
Mississauga South	73	York Centre	90
Mississauga West	82	York North	113
Nepean - Carleton	82	York South - Weston	94
Niagara Centre	205	York West	71
Niagara Falls	161		

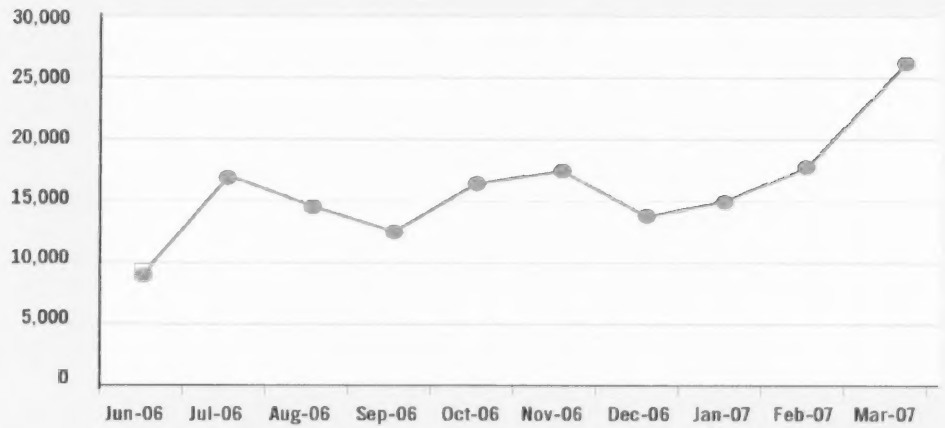
• *Where a valid postal code is available*

APPENDIX 2:
Communications Statistics

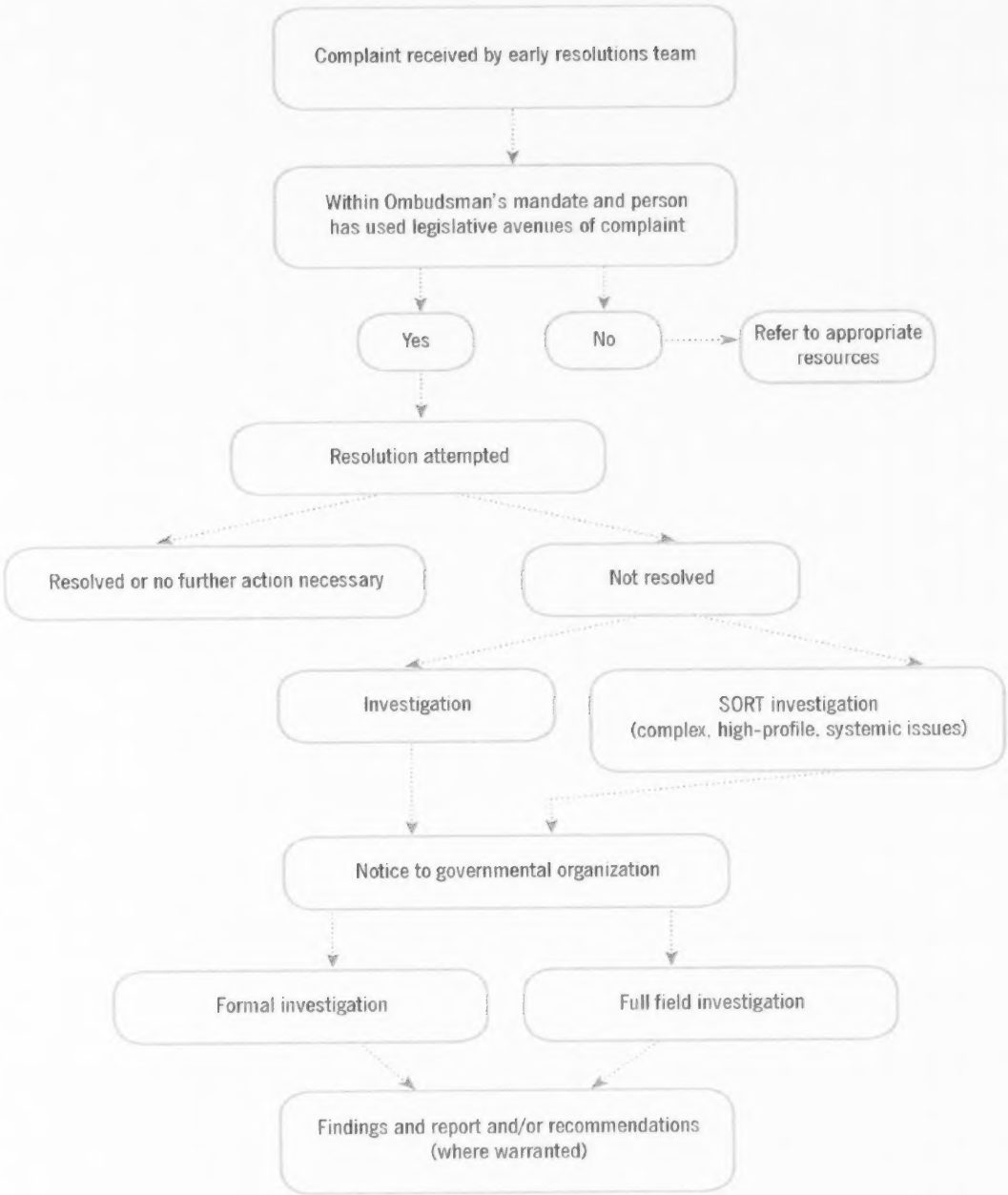
Media Coverage: Advertising Value By Region



Website Visitors by Month

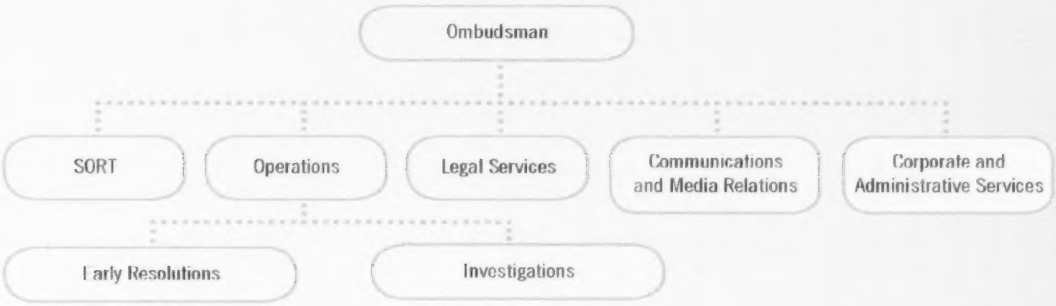


APPENDIX 3:
How We Work


Complaint received by early resolutions team
Within Ombudsman's mandate and person has used legislative avenues of complaint
Yes
No
Refer to appropriate resources
Resolution attempted
Resolved or no further action necessary
Not resolved
Investigation
SORT investigation (complex, high-profile, systemic issues)
Notice to governmental organization
Formal investigation
Full field investigation
Findings and report and/or recommendations (where warranted)

APPENDIX 4:
About the Office

As of March 31, 2007, the Ombudsman's Office employed 77 staff. The following provides an overview of the Office's various teams, how they work together and how they contribute to the successful operation of the Office.



Special Ombudsman Response Team (SORT): SORT is tasked with conducting extensive field investigations into complex, systemic, high-profile cases. SORT works in collaboration with the Ombudsman's operations team and investigators are assigned to SORT on the basis of their specific abilities and areas of expertise.

Operations: The operations team, led by the Deputy Ombudsman, includes an early resolutions team and an investigations team. The early resolutions team operates as the Office's front line, taking in complaints, assessing them and providing advice, guidance and referrals. Early resolution officers use a variety of conflict resolution techniques to resolve complaints that fall within the Ombudsman's jurisdiction. The investigations team is comprised of experienced investigators who conduct issue-driven, focused and timely investigations of both individual and systemic complaints.

Legal Services: The legal services team, led by the Office's senior counsel, supports the Ombudsman and his staff, ensuring that the Office functions within its legislated mandate and providing expert advice in support of the resolution and investigation of complaints. Members of the legal services team play a key role in the review and analysis of evidence during investigations and the preparation of reports and recommendations.

Communications: In addition to publishing the Annual and SORT reports, as well as maintaining the office's website and overseeing outreach activities, the communications team works together with the Ombudsman's media relations advisor to provide high quality professional support to the Ombudsman in media interviews, press conferences and public releases of the results of investigations.

Corporate and Administrative Services: The Corporate and Administrative Services team provides support in the areas of finance, administration and information technology.

APPENDIX 5:
Financial Report

During the fiscal year 2006-2007, the total operating budget allocated for the Office was $9.45 million. The Board of Internal Economy of the Legislative Assembly of Ontario approved the Ombudsman's budget.

FISCAL YEAR 2006-2007

SUMMARY OF EXPENDITURES:

	($000)
Salary and benefits	$7,236
Operating Expenses*	$2,215
TOTAL EXPENSES	$9,451

**includes transportation, communications and other services, office supplies and equipment*

www.ombudsman.on.ca